



## Why Every Expat in the UAE Needs a Local Will

### A. Introduction

Just recently a client told us: *"Since the new personal status law applies to non-Muslims and overrides Sharia law, we're already protected."* – referring to the default 50/50 asset split between spouse and children due to the Federal Decree Law No. 41 of 2022.

***But this perception is misleading.***

While the new law indeed provides a more favourable default regime for non-Muslim residents (not for foreigners without residence in the UAE) relying solely on it can result in delays, uncertainty, and unintended consequences. A registered will remains an essential tool – not only to express specific intentions that differ from the default distribution, but also to streamline the probate process and, perhaps most critically, to formally appoint guardians for your minor children. Having a will in place allows families to bypass the first phase of probate entirely, saving considerable time, money and stress for surviving relatives during an already difficult period.

**In short: The new law helps – but it is no substitute for a well-drafted, properly registered will.**

### B. In General: Wills in the UAE

In the UAE, inheritance matters are governed, by default, through the principles of Sharia law or the Personal Status Law. This applies for everyone unless a valid will has been registered in accordance with the applicable UAE legal frameworks. The death of a spouse typically results in the immediate freezing of bank accounts (including joint accounts!) the cancellation

of residence visas, and the reassignment of guardianship for minor children. Without a valid will, these matters often lead to lengthy and complex court proceedings for the surviving heirs.

In this context, proper testamentary planning is not only advisable - it is essential to protect your family. Only two principal mechanisms are commonly used and recommended for expatriates when registering a will in the UAE: the Dubai International Financial Centre (DIFC) Wills Service and the Abu Dhabi Judicial Department (ADJD).

### C. Details: Legal Risks Without a Locally Recognized Will

Failure to register a valid will in the UAE can result in significant legal and practical complications. These include:

- Bank accounts, including joint accounts, remain frozen for an extended duration;
- Cancellation of residence visas for dependents;
- Transfer of guardianship for minor children to state-appointed custodians;
- Delays of several years in obtaining probate and releasing assets;
- Potential application of Sharia law, contrary to the testator's personal intentions.

In some cases, foreign wills are not recognized or are subject to extensive formalities that undermine their effectiveness in local courts.

### D. Most Important: Who Will Care for Your Children?

When discussing wills, the focus is often on property and financial matters. But for parents, there's one question that matters more than anything else: *Who will raise our children if something happens to us?*

It's not something anyone wants to imagine, but in the UAE, the answer isn't always simple. If both parents pass away, guardianship of your children doesn't automatically go to the person you would choose. Under UAE law, especially when influenced by Sharia principles, custody may be granted to a paternal grandfather, an uncle, or another relative the child barely knows. **Even if one parent is still alive, that parent might not automatically receive full guardianship without court involvement.** In certain cases, the mother is not automatically granted legal guardianship of her child upon the father's death. Instead, guardianship may be assigned to the next male relative in the paternal line, such as the grandfather or an uncle.

This uncertainty can be especially painful for expatriate families, where extended relatives are often far away. In some cases, the courts may decide custody based on further conditions – decisions that may not reflect your values or your child's best interests.

By registering a valid will in the UAE, you make that decision yourself. You ensure your children are placed with people you trust - family or close friends who understand them, love them, and can provide a stable, familiar environment during an unimaginably difficult time.

A will should not be seen as just a plan for assets - it is also a protective measure for the people who matter most.

## **E. Legal Framework**

### **1. DIFC Will**

The DIFC Wills Service Centre was established to provide a reliable testamentary mechanism based on common law principles. It is accessible exclusively to non-Muslim individuals who either reside in the UAE or hold assets within the country.

### **2. ADJD Wills**

ADJD Wills are registered under the Abu Dhabi Judicial Department and are recognized across all seven emirates. The ADJD framework is open to non-Muslim testators and Muslim testators, except for citizens from GCC countries.

## **F. Language, Procedure and Amendments**

### **1. DIFC Wills**

The registration process for a DIFC Will requires the will being prepared and executed entirely in English, with the testator and two witnesses present during the (virtual) registration appointment. Amendments can be made with relative ease through an amendment process and incur only nominal administrative fees.

### **2. ADJD Wills**

ADJD Wills must be submitted in both English and Arabic, requiring certified translations. Typically, law firms assisting with the registration of wills can also handle the necessary translations for you. The process of registering a ADJD Will does not necessitate the presence of witnesses. However, any changes to the will require a complete re-registration and re-translation, which can result in additional administrative work and costs. Therefore, it is advisable to seek proper legal advice and to register the appropriate will from the outset.

## **G. Probate and Enforceability**

### **1. DIFC Wills**

The DIFC probate process is conducted through the DIFC Courts and benefits from a high degree of procedural efficiency and legal clarity. Following an individual's death, all UAE-based assets are immediately frozen. Executors must apply online for a grant of probate, authorizing them to manage the estate. Once granted, they provide a list of assets and beneficiaries, allowing the court to issue a probate order confirming heirs and asset distribution. This order is submitted to relevant authorities to unfreeze accounts, transfer funds, and update property records.

### **2. ADJD Wills**

The ADJD probate process is similar but can involve extra legal interpretation, especially if the wording of the will is unclear or if Sharia principles might apply. Non-Muslim testators must ensure that their will contains a clear reference to the governing law to avoid default application of UAE inheritance rules. The key difference between ADJD and DIFC procedures is that DIFC allows the initial probate steps to be completed entirely online, while the executor in ADJD cases must appear in person before the Abu Dhabi Court.

## **H. Strategic Considerations and Legal Advice**

Choosing the appropriate testamentary structure depends on various factors, including the nature and location of the testator's assets, family situation, and preferred legal system. Both DIFC and ADJD Wills offer lawful and enforceable mechanisms for non-Muslim expatriates; however, they differ significantly in language, procedure, scope, fees and execution. Fees for example are depending on the place of registration and whether it's a single will or a mirror will (for married couples). Please feel free to [contact us](#), and we will be pleased to provide you with a detailed overview.

## **I. Conclusion**

Effective estate planning is a key component of financial and personal security - particularly for expatriates in the UAE. The local legal environment requires a clear and proactive approach. Whether opting for a DIFC or ADJD Will, timely registration with professional legal support is essential for safeguarding your assets and protecting your family.

## **J. Questions & Answers**

### **Q: Is a foreign will valid for assets in the UAE?**

**A:** It can be, but it requires translation, notarization, and UAE court approval. Without local registration, courts may apply UAE inheritance law by default. Registering a UAE will ensures faster and clearer enforcement.

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### **Q: What happens if an expat dies in the UAE without a will?**

**A:** UAE law decides the distribution. For non-Muslims, it is usually 50% to the spouse, 50% to children. For Muslims, Sharia law applies. In all cases, assets are frozen until probate is completed. A will speeds up the process.

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### **Q: Does Sharia law affect non-Muslim expats?**

**A:** Not by default anymore. Non-Muslims follow civil inheritance rules unless their will conflicts with public policy. Muslim expats, however, remain fully subject to Sharia law.

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### **Q: What is the DIFC Wills Service Centre?**

**A:** A Dubai-based registry for non-Muslims to register wills under common law. It avoids Sharia, simplifies probate and helps expats in the UAE to pass on their assets and appoint guardians for their children.

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### **Q: Who is eligible to register a DIFC Will?**

**A:** To register a will with the DIFC Wills Service Centre, you must be a non-Muslim, at least 21 years old, and either hold assets in the UAE or have minor children living with you Dubai or Ras Al Khaimah. Individuals who are Muslim are not eligible under the DIFC framework.

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### **Q: Can Muslims register a will in the UAE?**

**A:** While Muslim individuals cannot register a will through the DIFC, non-GCC nationals - regardless of their religion - may register a will through the Abu Dhabi Civil Wills Office. This provides a separate legal avenue for those who fall outside the scope of the DIFC system.

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**Q: What is the advantage of having a registered will?**

**A:** A registered will provides clarity and legal certainty. It ensures that your UAE estate is distributed in line with your intentions and helps avoid delays, disputes, or complications during the probate process. Having a will means your children will be cared for by someone you trust and have personally chosen. Without a registered will, there may be uncertainty - and in some cases, disagreement - among family members.

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**Any more Questions?**

If you are considering preparing a Will in the UAE, we're here to support you every step of the way. **Feel free to email us at [katharina@meyer-reumann.com](mailto:katharina@meyer-reumann.com), and we'll gladly send you our Complimentary Will Overview with all the details and pricing, available as a PDF in English, German, Italian and Spanish.**

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