

# A matter of life and death

**Life changes. Be prepared. Be protected.**



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# Plan for the worst, hope for the best

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## 14 things you should consider

1. Leave a Will
2. Ensure your children are taken care of
3. Real Property
4. Structure your bank accounts carefully
5. Consider inheritance taxes in your home country
6. Use a Trust or Beneficiary Nomination for your life insurance
7. Make sure you nominate beneficiaries for your end of service gratuity
8. Check whether you qualify for death in service benefits
9. Think about how your death would impact your dependents' residency
10. Think about your digital life
11. Registering a death in the UAE and repatriation of remains
12. Burial and Cremation
13. Prepare a Checklist of people that will need to be informed if you die in the UAE
14. Make sure you have adequate cover

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# Peace of mind; for you and for those who survive you

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It's probably safe to say that no one likes to contemplate their own mortality. However, people who do think about death and accept its inevitability, often find themselves capable of living more fulfilling lives, knowing they have done as much as they can to ensure their wishes are carried out, without placing an undue burden on the people they leave behind.

It's important for you as an expatriate living – and probably working – in the UAE to make sure you have considered the implications in the unfortunate event that you meet with an untimely death while away from your home country. For example, what would happen to your family if your spouse and children are included on your visa? How can you be sure that your wishes are carried out for your funeral or the repatriation of your remains? What would happen to any end of service gratuity you may have accumulated?

There is a lot to think about but understandably people avoid doing so, instead preferring to think '...it will never happen to me.' However, the sad fact of the matter is that people die while living overseas and, in many instances, their family or friends are left to pick up the pieces and deal with all manner of paperwork at what is already an upsetting time for them.

**A man's dying is more his survivor's affair than his own**

Thomas Mann

Friends Provident International has identified 14 steps you should take to ensure that, in the event of your death while resident in the UAE, you have done all you can to make things as easy as possible for those you leave behind and to ensure your wishes are carried out.

Due to the demographics of the UAE it is not possible to cover the precise requirements for all expatriate groups in all Emirates, but the general processes and procedures outlined are likely to apply to many, if not all, expatriates, wherever they hail from. You should always seek professional advice on your individual circumstances.

Life insurance is often referred to as '...the one thing you should buy and hope never to have to use...' Hopefully you and your family will all live long and fulfilling lives, but it is important that you familiarise yourself with the various procedures, from registering a death to the repatriation of a deceased's remains.

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## 1. Leave a Will

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One of the most important things you can do while living away from your home country is to write a will. You may need to write a will for every country in which you hold assets however you should seek professional advice to establish your requirements based on your individual circumstances.

While the UAE is an expat-friendly country, and treats foreigners' assets sympathetically in the event of death, complications may arise if someone dies without having left a valid will. You could save your loved ones a lot of heartache if you leave a will that clearly outlines your wishes for the disposal of your assets and for the burial, cremation or repatriation of your remains.

If no will is in place, UAE law will apply to your assets situated in each of the Emirates which may result in the local Court ordering for your assets to be distributed amongst your surviving family members in accordance with Sharia'h principles. Alternatively, your family may wish to apply to the local Courts for the application of the laws of your home country. These costly and lengthy procedures can often be eradicated by thinking ahead and putting a will in place.

There are a number of ways in which you can put a will in place in the UAE, either by utilising the local Courts, the Abu Dhabi Non-Muslim Wills Office, which registers expatriates' wills for Abu Dhabi and Al Ain, or the Dubai International Financial Centre (DIFC) Wills and Probate Registry in the case of Dubai and Ras Al Khaimah.

Each method has its own registration process however the issues that you will need to address in any will remain largely the same:

1. Who will be appointed to act as your executors and be responsible for dealing with your assets in the event of your death?
2. Who will be appointed to take care of your children in the event that something should happen to you, or you and your spouse together?
3. Who will be named as your beneficiaries and inherit your assets in the event of your death?
4. What will happen to you and do you have specific wishes in relation to your funeral?

When making a will, it is important not only to consider these issues but also make efforts to organise your financial paperwork and ensure that in the event of your death your surviving family members can easily identify the assets that they will need to deal with. While you can draft your own will, it is advisable to seek professional advice from a suitably qualified lawyer when planning and preparing your will.

## 2. Ensure your children are taken care of

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The UAE law sets out who shall be appointed as the legal guardian of a bereaved child and this may or may not be in line with your wishes. Additionally, you are likely to be living far from grandparents and other immediate family members who would, if you were at home, be able to offer interim care for any children that you unfortunately leave behind.

You should therefore discuss guardianship of your children with your legal or financial adviser when drawing up your will, and specify who will take care of them if the worst should happen to you, or to both you and your spouse.

In the worst case scenario, if young children are left without family or friends to exercise guardianship where the parents did not leave a will, the local authorities will act in the best interests of the child and be obliged to safeguard them.

The UAE does not have the social services support structures enjoyed in some countries and there could be a reluctance on their part to intervene and become involved with matters. By contrast, in the UK for example, there would be a formal court order bringing the children under the protection of the courts.

A will that clearly specifies guardianship provisions will provide certainty at such a difficult time, and help to avoid any potential requirement for the local authorities to intervene and take care of your children.

The local Courts, the Abu Dhabi Non-Muslim Wills Office and the DIFC Wills and Probate Registry provide various options for protecting your children in the event of your death, including the option to leave a will that specifically relates only to guardianship appointments.

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### 3. Real Property

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If you own property in the UAE, make sure you specify in your will who is to inherit it and, if more than one person, the proportion to which each is entitled.

If no will is in place, UAE and Sharia'h law will prevail. Ultimately, any real estate will be handed over to family members, however there is a risk that it may not be allocated as the owner would have wished, and legal challenges could result as surviving relatives will have to go to Sharia'h courts to prove relationships and entitlements.

If there are multiple heirs entitled to inherit under Sharia'h law, the heirs will own the property jointly in accordance with the percentages established under the Sharia'h, which determines specific allocations of rights in real property. The principle applies to the disposal of any real property, as well as movable assets such as gold, bonds, etc.

### 4. Structure your bank accounts carefully

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If an expatriate dies while resident in the UAE, any bank accounts they hold in the country will be frozen until Probate is granted by a UAE court, and all the deceased's UAE debts and any fines are paid.

This applies to all local and international banks where deposits are held. This is the case even when the account is held in joint names, unlike in most other countries where the account would automatically be transferred to the surviving account holder.

The granting of Probate is the first step in the legal process of administering the estate of a deceased person, resolving all claims and distributing the deceased person's property under a will. A Grant of Probate is a document that details the executors named in a will, and gives them the right to act in accordance with the wishes of the deceased.

While having a will in place will not prevent the freezing of a bank account, its existence should speed up the 'defrosting' process. To avoid any potential delays in dealing with your affairs while waiting for Probate, you should consider setting up UAE bank accounts in single names, or set up a joint account offshore to ensure that your spouse has access to finance if anything should happen to you.



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## 5. Consider inheritance taxes in your home country

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While inheritance taxes do not apply in the UAE, your estate may still be subject to the inheritance taxes of your home country, and potentially any other country where you plan to live or retire.

For example, if you are UK domicile, inheritance tax could apply to your UAE assets, and this can be punitive.

Most countries tax only a portion of a deceased's estate over a certain amount, known in the UK as the nil-rate band. Your financial or legal adviser will be able to tell you the rates that apply in your home country at any given time. Estate duty does not apply in India or Australia.

It is therefore important to ensure that any will is drafted in a tax efficient manner by an expert. To reduce potential inheritance tax liabilities, expatriates may give charitable donations on death or place part of their estate into trust while they are alive, thereby reducing the overall value.

There will be transfer fees in the UAE on any real property that is re-registered from the deceased to their heirs.

## 6. Use a Trust or Beneficiary Nomination for your life insurance

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Another way to ensure that life insurance proceeds are distributed in accordance with your wishes is to set up policies using trusts or beneficiary nominations.

This means that any policy proceeds do not form part of your estate and can be paid directly to people of your choosing without the necessity to obtain Probate.

A trust involves appointing trustees to distribute the policy proceeds to your chosen beneficiaries. It is important to choose your trustees carefully – these could be close family members or professional trustees.

It may be possible to nominate a beneficiary for your life insurance policy proceeds. Speak with your financial adviser about the options.





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## 7. Make sure you nominate beneficiaries for your end of service gratuity

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Depending on your length of service with your employer; you may be entitled to an 'end of service gratuity' (EOSG) payment.

This is equivalent to 21 days' pay for each of the first five years of employment and 30 days' pay for each year of service thereafter – up to a maximum of two years' pay – so the amounts involved can be significant\*.

If you die while in service, the EOSG will be paid to the beneficiaries nominated by you, without the need for a Grant of Probate. It is important therefore that your employer knows who you would like to benefit from your EOSG if you pass away while in their employment.

EOSG is usually administered by the Human Resources department, so make sure they are aware of your wishes in terms of the beneficiaries to whom EOSG should be paid in the event of your death.

\*EOSG will be reduced by two thirds if the employee dies within three years of joining the business; and by one third if they die after three years and before five years' service have been completed.

## 8. Check whether you qualify for death in service benefits

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Some employers offer an additional death in service benefit as part of their employees' benefit packages, in addition to the mandatory EOSG.

This is most often a multiple of an employee's pay – usually four times annual salary. You should check whether this benefit is included in your benefits package and if so make sure you nominate the benefits to avoid the need for Probate if you die while in the service of your employer.

While the total benefit is unlikely to be enough to sustain your family for the long term, it will help them get back on their feet and take care of their immediate future.



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## 9. Think about how your death would impact your dependents' residency

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In the past, if a male expatriate had sponsored family members on his visa and died while residing in the UAE, the other family members' visas would have been cancelled, and they would have had 30 days to leave the country.

However, with effect from 21 October 2018, the UAE implemented a new visa rule for divorced women, widows and their children. The rule grants a one-year residence visa extension for widowed and divorced women and their children, without the need for a sponsor, from the date of death of the husband, or the date of their divorce.

The extension rule applies even if a widow has no children. Certain conditions must be met before the visa will be granted in the event of the male sponsor's death.

- Both mother and any children must be under the husband's visa at the time of the death
- The visas of the mother and children must be valid at the time of death
- The children's residency period must not exceed the residency period of the mother.

To apply for the visa, the widow needs to submit an application through the relevant General Directorate of Residency and Foreigners Affairs (GDRFA) channel for a residency extension along with the following:

- proof of death
- proof of availability of accommodation
- proof of the woman's ability to earn a living
- medical fitness certificates for the woman, and any children over the age 18
- Emirates ID card
- Health insurance cards (depending on the Emirate)

There are cancellation fees of AED100 for each previous residency visa held by the widow and her children. In addition, a one-year residency extension fee of AED100 will be charged.

There are other potential solutions for those wishing to stay in the UAE, that will help to avoid the necessity of the a sponsor's family having to leave the country within 30 days following their death.

Federal Law currently allows for six-monthly renewable residency visas to freehold property owners in the UAE. As a property does not die with its owner, dependents' visas would not be cancelled if they are attached to the property visa, rather than the deceased's employment visa.

Alternatively, if both spouses are employed, they should each be sponsored by their respective employers (rather than one spouse being sponsored by their partner). This would mitigate both spouses' visas being cancelled and dependents could be switched to the surviving spouse's visa, if required.

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## 10. Think about your digital life

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Nowadays most people have an online presence. From banking to social media to online auction sites, we all have multiple accounts that we administer either through a mobile or desktop application, a portal or simply via a webpage.

It is therefore sensible to make a list of any online banking, dealing or investment accounts, which can then be left with a trusted family member or friend. It should include the name and address of the financial institution along with the account name and number and a contact number for any relationship manager or the customer service department.

If no such record is available for people to refer to if anything were to happen to you, the financial institution may never be aware that you have passed away and the balance of any accounts would not be passed to your estate as soon as they should be, if at all.





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## 11. Registering a death in the UAE and repatriation of remains

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Death of a family member or a friend is one of the most upsetting experiences one can have and, in most cases, the family can grieve only after completing all the formalities, and burying or cremating the deceased.

The following points outline the processes involved with registering a death in Dubai where the remains are to be repatriated. The process in other Emirates may vary slightly, but will be broadly similar to that outlined below:

- If the death occurred in a hospital, a death notification should be obtained from the hospital, and taken to the police station located closest to the deceased person's residence, to register the death.
- Any deaths occurring outside of a hospital should be reported to the police immediately, by dialling 999.
- The police will complete an initial death report and transfer the remains to the Rashid Hospital Mortuary or to the Police Mortuary. The process for registering the death will vary, depending on the deceased's religion and country of origin.
- The Rashid Hospital Mortuary will determine the cause of death and issue a report. The initial documents issued by the police have to be submitted to the mortuary along with the deceased's passport and visa (original and copy). A fee is payable to the mortuary, who will then issue a death notification; this must be stamped by police at the hospital.
- The next step is to go to the police station with all the relevant documents: the death notification and the deceased's passport and visa. The police will issue a no objection certificate (NOC) addressed to Al Baraha Hospital, Ministry of Health to issue the death certificate – for which a small fee applies. If the remains are to be repatriated, additional police NOCs will be required for the following:
  - the airport – confirming the remains can be repatriated
  - the mortuary for embalming
  - the hospital for release of the body (if the death occurred in the hospital).
- When all the documents have been issued, they should be taken to the Preventive Medicine Department of Al Baraha Hospital, from where the official death certificate will be issued. Bear in mind, all documents issued at government agencies are in Arabic so the certificates need to be translated if the deceased is being repatriated to a non-Arabic speaking country.
- The Ministry of Human Resources and Emiratization must be informed and will require the deceased's passport for visa and labour card cancellation. The sponsor's signature is not required to complete this process.



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- The death must be registered at the local embassy or consulate of the country of origin. They will cancel the passport, register the death in the home country and issue a NOC allowing the repatriation of the remains.
  - The next stage in the process is to have the body embalmed. The Medical Fitness Centre in Al Muhaisnah should be contacted to book an embalming time. The body will have to be identified at the mortuary before it is transported for embalming. Assuming the deceased does not have contagious diseases, the embalming will take place.
  - There are charges for the embalming. A coffin can be purchased here, and there will be a fee for an ambulance to transport the body to the airport.
  - The Medical Fitness Centre will issue the embalming certificate. For Indians, this has to be attested at the consulate.
  - If someone is accompanying the body on the flight, they will need to book a ticket and cargo. The process will vary between different airlines, as each has different formalities to be completed.
  - The Medical Fitness Centre will transport the body using DNATA, who handle the body at Cargo Village and process the required documentation. The original NOC from the police is required along with another NOC from the Cargo Village police station. The NOC obtained from the consulate or embassy to repatriate the remains will be required at this stage as well.
  - A minimum of eight copies of all the documents, including a copy of the tickets, are required – they will need to be translated if the country of destination is non-Arabic speaking. All documents must be submitted to the DNATA export office in Cargo Village.
  - When the body arrives at the DNATA office in Cargo Village, the remains will be labelled as such, scanned and then shipped to the country of destination, after all the shipping costs have been paid.
  - A funeral services company in the country of destination should be appointed to receive the remains and to make the funeral arrangements.
  - If the deceased was employed, their employer usually takes care of some of the local paperwork on behalf of the next-of-kin, it is important therefore that they are notified of the death at the earliest opportunity.

If the deceased held any life insurance policies, the insurance company should be contacted as soon as possible. They will explain their requirements for payment of the policy proceeds and provide the relevant paperwork and details of who should complete the forms required.

There are several companies in the UAE that specialise in arranging funerals for expatriates and/or the repatriation of their remains. They will take care of everything from registering the death to the repatriation of the remains and the appointment of a funeral director in the home country of the deceased. This service offers a degree of comfort at what will be a very upsetting time.

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## 12. Burial and Cremation

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### **Burial**

There are seven Emirates in the UAE in which expatriates are allowed to reside, but when a person dies there are differences in the laws between them, when it comes to the burial of expatriates.

For example Sharjah does not allow the burial of non-Muslims in its cemeteries as they are for the burial of Muslims only, while Dubai and Ajman allow the burial of Muslims or non-Muslims in their graveyards.

For a burial in Dubai the deceased's residency visa must have been issued from Dubai whereas in Ajman the law permits the burial of expatriates, regardless of the Emirate from which their residency visa was issued.

The Al Ain City Municipality has a cemetery in the Al Foah area to serve the non-Muslim communities in Abu Dhabi. The 40,000 square meter facility includes a crematorium, waiting rooms and service facilities which suit the burial rites of various religious communities.

Depending on the religion of the deceased, procedures for burial will differ. However, in all cases the correct documentation is required before the burial can proceed. This includes:

- the original passport (cancelled by the embassy or consulate)
- proof that the residence visa has been cancelled from the relevant department of naturalisation and residency
- the death certificate
- NOC from the sponsor stating that all financial obligations have been settled.

The Christian cemetery in Dubai is located at Jebel Ali. To organise a Christian burial, you must obtain a NOC from the Dubai Police Headquarters, requesting that the Dubai Municipality approve the burial. The NOC – and the other required documentation detailed above – should be taken to the Municipality Cemetery Office to arrange for a clearance letter to be prepared.

The Christian cemetery caretaker will help with the remainder of the process, including having a coffin and gravestone prepared and arranging the other funeral formalities. There are burial fees for the Christian cemetery which differ depending on whether an adult or child is to be buried.

Muslim burials in Dubai are more straightforward. The guarantor or next of kin of the deceased should go to the Dubai Police Headquarters with his or her passport. The police will issue a letter requesting Dubai Municipality to clear the burial. They will also keep the guarantor's passport until all necessary documentation has been completed, including obtaining the death certificate and registering the death.

The police letter should then be taken to the Dubai Municipality Cemetery Office where they will make arrangements for the burial.

Muslim expatriates are buried in Al Quoz cemetery and Muslim Emiratis are buried in Muhaysana cemetery. Muslim burials must be performed quickly, so the formalities of obtaining a death certificate and registering the death can be completed after the burial.

## Cremation

There are religions that do not bury their dead and instead cremate the remains – such as Hinduism – and others that allow for either burial or cremation.

Multi-faith cremations can be arranged at the Sonapur Hindu Cremation Ground in Jebel Ali, Dubai and at the Al Foah Crematorium and Burial Facility in Al Ain.

Sharjah Crematorium is most often used if death occurred in Sharjah or another Northern Emirate. Additional paperwork may be required if the death occurred in Dubai or Abu Dhabi. This facility is open to all faiths but is used mainly for Hindu ceremonies, accordingly the décor and manner of the cremation reflects this.

The following documents are required:

- A death certificate with legal translation in Arabic and English
- An attested copy of the death certificate from the ministries of health and foreign affairs
- Cancelled visa and passport
- A cremation permit
- A release letter from the police.

If the deceased was resident in an Emirate other than the one where their death occurred, a letter from that Emirate's police department is necessary for transporting the body.

Deceased children under the age of five are buried or repatriated to their home countries, rather than cremated.

**There are seven Emirates in the UAE in which expatriates are allowed to reside, but when a person dies there are differences in the laws between them when it comes to the burial of expatriates**





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## 13. Prepare a Checklist of people that will need to be informed if you die in the UAE

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There are a number of other parties that would need to be informed of your death, in addition to the authorities outlined above.

Prepare a list of people and entities that you would like to be contacted in the event of your death, and leave it with someone you trust. Here are a few suggestions for your list:

### **Family**

If you have family members in your home country they should be informed immediately, in order that they can make plans to either visit the UAE to complete the various formalities or make arrangements to receive the remains if your body is to be repatriated for burial or cremation.

### **Solicitor**

If you use the services of a solicitor – you may have appointed them as executors of your will for example – they should be contacted immediately. They will help with several aspects of dealing with your estate, including obtaining Probate, and helping your family with dealing with the many other formalities.

### **Employer**

One of the first entities to be contacted in the event of death should be the deceased's employer, who will be able to help with some of the necessary paperwork, including cancellation of the employee visa. They will also arrange for the payment of End of Service Gratuity, if applicable, to the nominated beneficiaries.

### **Financial Adviser**

If you use the services of a financial adviser they should be contacted as soon as possible. The adviser will be able to help by contacting the various companies with whom the deceased held investments and/or life insurance and pension policies, and finding out the requirements for payment of any proceeds to the deceased's estate.

A financial adviser will also have the details of any trustees that should be contacted and any beneficiaries the deceased nominated.





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### **Life Insurance Company**

If no financial adviser was acting for you at the time of death, and you hold life insurance or pension plans, the relevant company, as well as any trustees, should be contacted as soon as possible in order to claim the death benefit.

The company will outline the requirements to pay the benefits. This process is made simpler if the deceased has made a beneficiary nomination or if any life policies and/or pension plans are written in trust, in which case a grant of Probate – if the deceased left a will – will not be required.

If no will, beneficiary nomination or trust is in place, the benefits may be distributed in accordance with UAE and Sharia'h law – see earlier section on leaving a will.

### **Landlord**

If the deceased was renting property, the landlord should be contacted as soon as possible. It should be noted that the rental contract does not terminate on death of either a tenant or landlord. The contractual relationship continues with the heirs of the tenant and if they wish to terminate the relationship this should be completed no less than 30 days from the date of notifying the landlord of their intent to terminate the tenancy contract, or the expiry date of the contract, whichever comes first.

### **Bank**

As mentioned on page 5 the deceased's bank has to be contacted. Bank accounts – including those held in joint names and any business accounts – will be frozen while the deceased's affairs are put in order, so think about setting up accounts in single names or keep some money offshore.

If the deceased held a mortgage with a bank, in all likelihood they will have a life insurance policy assigned to the bank as collateral security for the loan.

The bank's lending division should be advised of the death, so they can claim the policy's death benefit, which will be used to discharge the mortgage. Any balance should then be paid to any surviving life assured or to the deceased's estate.

### **Suppliers**

Any companies supplying electricity and water and other services such as cable TV, landline telephone, mobile telephony, broadband etc. to the deceased will need to be contacted. Each will have its own procedures that will need to be followed before the service can be terminated.

### **Clubs and Associations**

If the deceased was affiliated with any clubs or associations, they should be contacted at the earliest opportunity to ensure they are aware of the situation and so they can cancel the deceased's membership.

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## 14. Make sure you have adequate cover

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Remember; you don't buy life insurance because you are going to die, but because those you love are going to live, so make sure you have adequate life insurance to help those you leave behind to survive after you have gone.

No one likes to think about passing away; and indeed it's not something you should spend a lot of time thinking about. However, if the worst should happen, knowing that you have taken all reasonable steps necessary to alleviate the burden on those you leave behind can be a great source of comfort.

While it is never possible to replace a beloved family member, having a protection plan in place will help a family in the unfortunate event of the death of a breadwinner. A financial adviser can help you to determine the level of cover you will need for any given set of circumstances, for example the future overall costs of raising children until they have completed their education. The additional costs of repatriating a family can be factored into the calculation of a suitable level of cover.

Never underestimate the importance of taking financial advice. Advisers are armed with all the information necessary on the life insurance products offered by various companies in the UAE.

Writing a will is an important part of succession planning. It is a complex area of the law and anyone with property to dispose of after their death should take professional legal advice to ensure that their estate is distributed in accordance with their wishes.

Friends Provident International does not give taxation, legal or financial advice. It is therefore recommended that you speak with your legal and/or financial adviser before making any decisions with regard to succession and estate planning.

While every care has been taken in compiling this guide, and the information contained herein is correct to the best of our knowledge and belief at July 2019. Friends Provident International cannot be held responsible for any error or omission, or for any action taken or not taken as a result of the information herein.

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