

Abu Dhabi Law No. 14/2021

On Personal Status for Non-Muslim Foreigners in the Emirate of Abu Dhabi

We, Khalifa Bin Zayed Al Nahyan, Ruler of Abu Dhabi,

After perusal of Abu Dhabi Law No. 1/1974 on the reorganisation of the Government Apparatus in the Emirate of Abu Dhabi, and its amendments;

Abu Dhabi Law No. 2/1971 on the National Advisory Council and its amendments;

Abu Dhabi Law No. 23/2006 on the on the Judicial Department in the Emirate of Abu Dhabi, and its amendments;

Abu Dhabi Law No. 11/2017 on the Notaries Public in the Emirate of Abu Dhabi;

UAE Civil Transactions Law issued on Federal Law No. 5/1985, and its amendments;

Law of Evidence in Civil and Commercial Transactions promulgated by Federal Law No. 10/1992, and its amendments;

Civil Procedure Law issued by Federal Law No. 11/1992, and its amendments;

Federal Law No. 28/2005 on personal status, and its amendments; and

Based on the proposal submitted to the Executive Council, and the approval of the Council thereon;

Have issued on the following Law:

Article 1 - Definitions

In implementation of the provisions of this Law, the following terms and expressions shall have the meanings assigned thereto unless the context requires otherwise:

- Emirate: The Emirate of Abu Dhabi
- Ruler: The Ruler of Abu Dhabi
- Department: The Judicial Department – Abu Dhabi
- Chairman: The Chairman of the Judicial Department
- Law: Personal Status Law for Non-Muslim foreigners in the Emirate of Abu Dhabi
- Court: The Department's Personal Status Court for Non-Muslim foreigners.
- Foreigner: Any male or female Non-Muslim foreigner, having a domicile, residence or place of work in the Emirate.
- Civil Marriage: A perpetual marriage of a foreign Non-Muslim man and woman, according to the provisions of this Law.
- Civil Marriage Register: The Register kept by the Department for the registration of the foreigners' marriage contracts, including all the foreigners' marriage contracts concluded or authenticated before the Department.

- Divorce: Termination of the marriage contract by unilateral will of a spouse without the need to prove any damage.
- Joint Custody: The parents have the right to exercise their roles in raising and caring for the children upon separation, on equal and common basis, and the children have the right not to be deprived of any of their parents due to divorce.
- Will: A disclosure performed by the foreigner about his willingness to dispose of his funds or a part thereof upon his death, according to the provisions of this Law.
- Form: The application form provided by the Department in two languages to carry out the process.

Article 2 - Objectives of the Law

This Law has the following objectives:

- 1- Provide a flexible and developed judicial mechanism for the settlement of the personal status disputes of Foreigners.
- 2- Enhance the status and competitiveness of the Emirate on the international level as one of the most attractive destinations for human talents and competencies.
- 3- Take a pioneering initiative in the Emirate for the issuance of the first civil law regulating the family matters of Foreigners, according to international practices.
- 4- Guarantee the right of the Foreigner to be subject to an internationally recognised law that takes into consideration the relevant approaches of culture, language and customs.
- 5- Achieve and protect the best-interests of the children, particularly in case of parental separation.
- 6- Reduce the disputes and quarrels resulting from the Divorce.
- 7- Maintain the role of the mother and the father in the post-Divorce phase.

Article 3 - Scope of Implementation of the Law

In case the Foreigner does not request the application of the law of his country, the Court shall apply the present Law to the subject-matters of marriage, Divorce, inheritance, Wills and proof of lineage.

Chapter 1 - Civil Marriage

Article 4 - Conditions for Contracting a Civil Marriage

In order to contract a Civil Marriage, the following conditions shall be met:

- 1- The spouses shall not be less than 18 years old. Their age shall be verified by virtue of any official document issued by the state of their nationality.

2- Both spouses shall explicitly give their consent to the marriage before the Authentication Judge, and shall prove that there is no legal impediment that prevents such marriage.

3- Both spouses shall sign the Declaration Form.

4- Marriage shall not be established between siblings, or with children, grandchildren, or uncles.

5- Any other conditions prescribed in a decision of the Chairman.

Article 5 - Procedures for Contracting a Civil Marriage

1- The Foreigner may contract a Civil Marriage before the Authentication Judge at the Department, by submitting an application using the Form that is prepared for this purpose, taking into consideration other conditions and procedures stipulated in this Law. The Foreigner shall submit the medical examination certificate before marriage.

2- Marriage shall be conducted after both spouses fill in the Form prepared for this purpose before the Authentication Judge. Both spouses may agree on the conditions of the contract, and they shall take into consideration the rights stipulated in the contract for each spouse during the marriage period and for the post-Divorce phase.

3- The spouses shall disclose, in the Form of the marriage contract, any previous marriage relationship. They shall also mention the date of Divorce, and shall prove that there is no existing marriage relationship.

4- By a decision of the Chairman or his representative, the Form of the Civil Marriage contract shall be issued in two languages.

5- Upon verifying that all the conditions for contracting a Civil Marriage are met, and upon completion of the procedures stipulated in this Article, the Authentication Judge shall ratify the marriage contract which shall be registered in the Register that is prepared for this purpose.

Chapter 2 - No Fault Divorce

Article 6 - Unilateral Divorce

In order to effectuate Divorce, it is sufficient that one of the spouses declares before the Court his willingness for separation and for ending the marital relationship, without the need to justify this application or to demonstrate any damage or to blame the other party.

Article 7 - Divorce Procedures

1- Any spouse may file for Divorce without the need to demonstrate any damage, using the Form that is prepared at the Court for this purpose. Divorce shall be deemed effective by a judgment issued by the Court upon notification of the other party.

2- Divorce shall take place in the first session upon registration of the lawsuit before the Court, without the need to refer the case to the family guidance department.

3- Without prejudice to the provisions stipulated in the Civil Procedure Law, the Chairman or his representative shall issue a decision on the regulation of the registration and fees of the application stipulated in this Article.

Article 8 - Financial Support Upon Divorce

Upon issuance of the Divorce judgment, the wife may submit an application to the Court requesting alimony from her former husband. Any applications following the Divorce shall be submitted to the Court using the Form that is prepared for this purpose: "Form of post-Divorce claims". In case of not reaching an agreement regarding the conditions or controls of such alimony or any other financial support in the marriage contract, then the support and its duration shall be determined based on the discretion of the Judge upon assessment of the following factors:

- 1- Years of marriage: the amount of the alimony shall increase as per the length of marriage.
- 2- Age of the wife: the age affects the alimony payment; a young wife gets a low alimony amount, and vice-versa.
- 3- The economic status for every spouse, according to an accounting expert report prepared by an accredited expert at the Department. Such expert shall be delegated by the Court for the assessment of the economic status of every spouse.
- 4- The extent to which the husband contributes to the Divorce due to his neglect or his mistakes or by committing any act that leads to Divorce.
- 5- Any spouse shall compensate the other for any material or moral damage resulting from the Divorce.
- 6- The financial damages that affect any spouse due to Unilateral Divorce.
- 7- The father (former husband) shall pay the custody expenses and costs to the mother during joint custody, for a temporary period that does not exceed two years in conformity with the findings of the accounting expert report.
- 8- Whether or not the wife takes care of the children.
- 9- In all cases, the alimony shall no longer be paid to the former wife if she marries another man.

A new application may be submitted to amend the alimony every year or upon any change in circumstances.

Chapter 3 - Custody of Children

Article 9 - Joint Custody

1- Custody of children is a joint and equal right for both parents upon Divorce, and it is the right of the children to be raised and seen by both parents rather than by one of them exclusively, in order to maintain the mental health of the concerned child and to limit the repercussions of Divorce thereon.

2- The principle of custody is to share the responsibility of raising children between the mother and the father upon Divorce, unless one of them requests in writing before the Court to waive the right of custody, or in case of submitting an application to the court to eliminate the other party from Joint Custody and to drop their custody right for any reason that may be accepted by the Court such as the legal capacity or the risk of sharing custody with such party or in case such custodian does not assume his duties.

3- In case of a dispute between the father and the mother regarding any matter of the Joint Custody, then any of them shall have the right to object before the Court using the Form prepared for this purpose or to request the Court to intervene for the settlement of the dispute.

Article 10 - Disputes Resulting from Joint Custody

The Court shall have the discretionary power to take the decision deemed necessary for the interest of the child under custody, based on the request of one of the parents upon Divorce.

Chapter 4 - Inheritance and Wills

Article 11 - Distribution of Inheritance

1- The foreign testator has the right to leave a Will to whomever deemed adequate, concerning all the assets belonging thereto in the State.

2- In case of absence of a Will, then half of the inheritance shall be entitled to the husband or wife and the other half shall be equally distributed among the children with no difference between males and females. In case the deceased has no children, then the inheritance shall equally belong to the parents thereof, or half of such inheritance shall be transferred to one the parents in case the other one is not present and the other half shall be granted to the siblings. In case of absence of the parents, then the inheritance shall be equally distributed between the siblings without distinction between males and females.

3- With exception to the provisions of Clause (2) of this Article, any of the heirs of the Foreigner may request the application of the law that shall be applied to the inheritance, according to the provisions stipulated in the Civil Transactions Law, unless there is a registered Will stipulating otherwise.

Article 12 - Procedures for Opening the File of the Inheritance, and for its Distribution

By a decision of the Chairman or his representative, a guidance manual shall be issued concerning the procedures of inheritance for Non-Muslim Foreigners.

Article 13 - Registration of the Foreigners' Wills

1- The Wills of the Foreigners shall be registered in the Register that is prepared for this purpose according to the procedures in force at the Department, and the Chairman of the Department shall issue the decisions and the guidance manual deemed necessary for the registration and execution of the Wills of Foreigners.

2- The spouses may fill in the Form of registration of the Wills of non-Muslims while signing the marriage contract, to determine the method of distribution of the funds in case of death of any of them.

Chapter 5 - Proof of Parentage

Article 14 - Proving the Child's Paternity

The child's paternity shall be proved by marriage or by declaration of the father or mother, and the Chairman of the Department shall issue a decision including the conditions and procedures of extraction of the birth certificate of the concerned child.

Chapter 6 - General Provisions

Article 15 - Exclusion of the Personal Status Cases for the Foreigners from Consideration of the Family

Guidance

The Divorce cases of the Foreigners shall be excluded from being considered by family guidance committees, and shall be directly referred to the Court to issue a judgment in this regard from the first session.

Article 16 - Equality between Males and Females in Rights and Obligations

For the implementation of the provisions of this Law, equality between men and women in the rights and obligations shall be taken into consideration, this shall apply to the following matters:

- 1- Testimony: equality in testimony before the Court, as the testimony of a female shall be taken into consideration before the Court the same as the testimony of a male Foreigner without distinction.
- 2- Inheritance: equality between men and women in the distribution of the inheritance according to the provisions of this Law, without distinction on grounds of gender, religion or nationality of the inheritor.
- 3- Right to effectuate Divorce: both spouses may, equally, and unilaterally, request to effectuate Divorce, without prejudice to their rights in terms of Divorce.
- 4- Joint Custody: the parents shall have equal rights regarding child custody until the age of 16 years old, and after this age the child shall have the right to choose between his parents.

Article 17 - A Court for Consideration of Personal Status Cases for Non-Muslim Foreigners

1- A Court shall be established in the Emirate for the consideration of personal status cases of the Non-Muslim Foreigners. Such Court shall consider all the cases related to the personal status matters of Non-Muslim Foreigners having domicile, place of residence or place of work in the Emirate.

2- The Court stipulated in this Article shall be formed of a single judge; the judge may be Non-Muslim.

3- All the Forms and procedures of the Court shall be in two languages, English and Arabic.

Article 18

The laws and legislations in force in the State and the Emirate shall apply to the matters for which no special provisions are stipulated in this Law.

Article 19 - Issuance of Executive Decisions and Regulations

The Chairman shall issue the regulations and decisions deemed necessary for the implementation of this Law.

Article 20 - Enforcement of the Law

This Law shall be published in the Official Gazette, and shall come into force one month after its publication.

Issued by us in Abu Dhabi

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Corresponding to: 2/ Rabi' Al-Akhar/ 1443 H.

Khalifa Bin Zayed Al Nahyan

Ruler of Abu Dhabi

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