Personal Status questions

2014
PERSONAL STATUS QUESTIONS

1. What are the requirements for a marriage contract?
   - Include the medical examination report of the spouses in the certified model from any government hospital in the UAE.
   - Presence of the husband and wife along with their passports or their copies and presenting the original UAE ID card for nationals and residents.
   - Presence of the wife’s guardian (father) or his legal representative with an official Power of Attorney. In case of the death of the wife’s father, the closest of kin (brother, brother’s son, uncle, or uncle’s son) must come forward as the guardian or a representative be assigned along with proof of death of the father or closest guardian.
   - If there are documents or Powers of Attorney issued from outside the UAE then it must attested from the following authorities: Ministry of Foreign Affairs in the respective country + UAE Embassy in the respective country + Ministry of Foreign Affairs in the UAE + translation of foreign language documents by a legal translator + attestation of translation by the Ministry of Justice.
   - If the wife is divorced or widowed, proof of such must be presented.
   - Presence of two Muslim witnesses.
   - For a newly converted wife, presence of a guardian is not
required; a certificate of social status from her country of origin or her country’s embassy duly attested and translated from the Ministry of Justice is sufficient.

Special requirements:

• If the wife is Lebanese, present family registry and personal registry and its attestation issued within the past three months.
• If the wife is an unmarried Moroccan, present a duly attested certificate of celibacy.
• Marriage of an Emirati female from a non-GCC country national requires an official marriage reception and a certificate of good conduct.
• Marriage of Libyans to non-Libyans requires a letter of approval and its attestation from the respective authorities in their countries.
• Marriage of GCC nationals from non-GCC countries’ nationals requires a letter of approval from both of their countries.
• Yemeni females can get married only with a letter of approval and its attestation from the respective authorities in their countries.

2. Do all certification transactions require witnesses?
Most certification transactions require witnesses, with exception of the following certifications:

1. Proof of marriage consummation.
2. Divorce in the presence of both spouses before a judge.
3. Changing of first name.
4. Revocation of wife in the presence of both spouses before a judge.
5. Acknowledgement of receiving or waiving of dowry.
6. Children’s annexation to the mother’s nationality in the presence of both parties.
7. Appointing a chosen guardian in the presence of only the father.
8. Proof continuation of marriage.
10. Permission for trade.
11. Declaration of Islam.
3. What are marriage contract requirements for an Emirati man (passport not issued from Dubai) to a Emirati woman with passport (not issued in Dubai) without a citizenship?
The man must go the court in the Emirate from where the woman’s passport is issued to know the procedures.

4. Can a father be a witness in Personal Status certifications for his son and vice-versa?
The father’s testimony for the son and vice-versa is only accepted in one case, which is the proof of marriage consummation. The Marriage Fund requires the testimony of one the relatives of the wife.

5. In what cases is a marriage contract denied based on the medical certificate?
A marriage contract is denied in two cases:
- If one of the parties suffers from a genetically inherited blood disease.
- If one of the parties suffers from transferable disease.

6. What are the procedures for the children’s annexation to the mother’s nationality?
Presence of both the parents with the birth certificates of the children, if the children were above 18 (lunar) years along with the UAE ID cards for nationals and residents.

7. What are the procedures for changing the nationality on marriage contracts?
Information on the marriage contracts cannot be changed, but a marriage continuation certificate can be duly issued with the changes.

8. Is there a procedure at Dubai Courts to separate the citizenship of a woman from her father’s and transferring it to that of her husband?
This procedure is not under Dubai Courts jurisdiction.
9. What are the requirement for a marriage contract between an Emirati man and a Yemeni woman?

- The general marriage contract requirements
- A letter of approval and its attestation from the respective Yemeni authorities.

10. Can a Jordanian residing in Dubai get married to a Lebanese woman not residing in Dubai?

It is sufficient for one the parties to live in Dubai, but a Lebanese woman is required to present family registry and personal registry and its attestation issued within the past three months.

11. Can a Emirati man from another Emirate get married to a woman with a passport and decree issued from Dubai?

Yes, according to the standard procedures.

12. Is it a must for marriage procedures for bearers of decrees (woman) to have a separate decree from the father?

The marriage contract procedure can be made with father’s decree order or with an acknowledgment from her or her guardian that she holds an Emirati passport without the citizenship.

13. Can a brother be a witness for his sister’s marital status (Divorced – Widowed)?

The brother may testify.

14. How much dowry is required for marriage contracts of non-Muslims?

Dubai Courts does not draw marriage contracts where both parties are non-Muslims.
15. An Emirati wishes to get married but the medical report reveals that he suffers from Alzheimer’s or a similar affliction, what are the procedures taken in such a case?
The required papers are referred to the Personal Status Certification Section and the Chief Justice of the Personal Status Court considers his case.

16. Is there a maximum limit for dowry in marriage contracts for nationals and non-nationals?
The maximum dowry limit for nationals is AED 50,000, of which 20,000 is given at the time of the contract, while 30,000 is put down as the delayed dowry. There is no maximum limit for the dowries of non-nationals.

17. Can a man with a passport and decree order from Dubai get married to a girl with a passport and citizenship from Abu Dhabi?
He must follow-up with Abu Dhabi Court.

18. Can a proof of relation be issued for non-Emiratis?
Dubai Courts only issued proof of relation of Emiratis carrying passports issued from Dubai.

19. What are the procedures for Proof of Financial support certificate?
- Presence of the applicant along with his UAE ID
- Two Muslim witnesses
- Presence of the supported, if they are above 18.
- Salary Certificate of the applicant
- A certificate indicating that the supported does not own any commercial licenses.
- One of the parties must be an Emirati

20. Is a will certification issued for non-Muslims?
Attestation of wills of non-Muslims is under the jurisdiction of the Notary Public at Dubai Courts.
21. A woman wants to get married but her father is deceased and her brother is 20 years old, can he be her guardian for the marriage contract?
Yes she can after presenting the father’s death certificate.

22. Can a woman request a continuation of marriage certificate in the absence of her husband?
She can get the certificate if she has a personal Power of Attorney from her husband.

23. Can non-Emiratis change their first name?
The first name is changed only for Emiratis with UAE National Family Registry issued from Dubai.

24. A divorced woman wants a proof of accommodation certificate of her children, what are the requirements for such a procedure?
- Presence at the Personal Status Services Section at the Courts with her adult children and two Muslim witnesses.
- Present the UAE ID.
- Present divorce certificate.

25. What are the requirements if a man wants to appoint a testamentary guardian for his children?
- Presence of the father at the Personal Status Section at the Courts with two Muslim witnesses.
- Presence of the chosen guardian
- Present UAE ID card and children’s birth certificates.

26. Is there a service for sending a Court employee to the house of the testator to get his signature on the will?
Yes, it is available in limited cases considered by the specialized judge, if all the required documents are presented for the procedure.
27. Who gives the consent before the specialized judge for a married woman under 19 years from a bank, her father or her husband?
Her father

28. Should the guardian be present for revocation of wife after the first pronouncing of divorce?
Yes, because the revocation will require a new marriage contract to be drawn.

29. Can an Emirati married to an non-Emirati woman request a certificate of increase in dowry up to AED 300, 000?
Yes, he can.

30. Can a person who changed his first name, change the name on marriage contract also?
The name cannot be changed on the marriage contract, but a continuation of marriage certificate is issued instead.

31. Can a civil marriage contract issued from a foreign country be attested, and a continuation of marriage be also issued?
No, it cannot be done.

32. After the medical test, it was proven that both parties suffer from thalassemia, is the marriage contract still possible? What are the diseases which interfere in drawing the marriage contract if found in one or both parties?
If a disease that affects the marriage contract is found, the hospital discusses it with the parties. For details the person may bring the report and follow-up with the Courts so he can be instructed on the matter.

33. Can a person with no identification documents (Bedoun) revoke his Emirati wife who has two children
34. Can a Muslim non-Emirati residing in Dubai divorce his wife who lives in her country at Dubai Courts?
Yes, but after consulting the Family Guidance Section at Dubai Courts.

35. Can a man obtain a Financial Support Certificate for his divorced mother who has the custody of seven children and also the same certificate for his divorced sister, if they both received allowance from the Ministry of Social Affairs?
The said certificate cannot be obtained, but he can refer to the specialized court for consideration.

36. Can a Marriage Official draw a marriage contract for an Emirati man marrying an non-Emirati woman at her house?
Yes, but the woman must be a resident of Dubai, and an application to transfer a Marriage Official must be presented or approved from the chief justice.

37. An Emirati man is married to a British national woman and has a marriage agreement but does not have an attested contract according to Shari’ah, what is the procedure for registering the marriage contract at the courts?
If he does not have an official marriage contract which complies with the Personal Status Law in the Emirates, then he must file for Proof of marriage claim.

38. How long does the procedure for changing the first name take?
- After submitting the application the Public Prosecution, General Directorate of Residency and Foreign Affairs and
the Detective Investigation Agency are addressed. There is no minimum response time due the special investigative nature of these authorities

- After receiving the affidavits, the applicant is contacted to advertise a notice in two widely circulated Emirati newspapers and wait for a month from the date of the notice in case anyone objects to the change in name.
- If there is no objection, the certificate is prepared in the presence of the applicant, two witnesses and the two newspapers bearing the notice.

39. Can a man with a certificate of ward ship and well care for a foundling, apply for a No Objection Letter to issue a passport for the child?
Dubai Courts is not the authority that issue such a letter, the guardian must follow-up with the General Directorate of Residency and Foreign Affairs.

40. How can divorced woman prove the end of her divorce waiting period?
She must apply for Continuation of Divorce Certificate from the Personal Status Court according to the followed procedure.

41. Is it sufficient to submit copies of the children’s birth certificates instead of the originals to issue a custody certificate?
Yes.

42. In case of the end of the waiting period, can a widow prove a non-revocation?
She can get a certificate to prove she did not remarry after her divorce, if she was an Emirati.

43. Can an Emirati not from or residing in Dubai obtain a trade permit on behalf of his minor son at Dubai Courts?
No, he cannot.
44. What must a widow do about her husband’s will which was not included in the Limitation of Succession certificate?
She must present the will to be included in the inheritance file to be considered by the judge.

45. Can a person declare Islam and get married on the same day?
Yes.

46. What is the procedure of changing the guardianship of a child whose mother has deceased and who was his guardian?
- A change of guardian application is made either during limitation of succession certification of the deceased mother or by filing a pecuniary status file.
- Appointing a guardian can be done through a pecuniary status file or through a legal notice of the mother’s death for appointing a guardian for a minor.

47. Can a permission to trade be issued for a minor upon the request of a representative of the original guardian?
Yes.

48. In marriage contracts of Lebanese nationals, is it sufficient to have an approved personal registry without a family registry?
No, both personal and family registries must be presented.

49. Can a son be the mother’s guardian in a marriage contract if he is 18 years old?
Yes, he can.

50. Can a proof of birth in Dubai certificate be issued for a Bangladeshi girl born in 1975?
Dubai Courts is not the concerned authority.
51. What are the information that must be provided in the marriage and divorce Powers of Attorney?
Marriage and Divorce Powers of Attorney must be personal in nature. It must carry the names of the husband and wife.

52. Can a proof of custody certificate be issued for the adult children of a divorced woman for the Mohammed Bin Rashid Housing Establishment?
She cannot obtain a proof of custody but rather an acknowledgement from the Notary Public that her children live with her.

53. Can the Declaration of Islam and marriage contract transactions be completed if the residency or visit visa are terminated?
In this case, only the declaration of Islam transaction can be made.

54. Should there be a letter of approval from His Highness’ Ruler’s Court to prove of two names for Emiratis?
It is not required. The applicant must be an Emirati with a Dubai issued passport and documents proving the two names.

55. Can a non-Emirati obtain a certificate indicating that he has only one daughter?
The applicant may request a proof of paternity of the girl, on the condition that he either lives or works in Dubai.

56. A woman from the Philippines converted to Islam but is married to a non-Muslim also from the Philippines, what are the procedures for their separation?
She must file a case before the specialized court.
57. An Emirati woman carrying an Abu Dhabi issued passport got married to an Egyptian man in Egypt and has an attested marriage contract from the Egyptian Authorities. Considering they both live in Dubai, can they file for a continuation of marriage application at Dubai Courts?

For Emirati women married to non-Emiratis outside the country, they can issue the continuation of marriage application from the courts of the Emirate that issued their passports.

58. What is the procedure for a person who wishes to change his name on the limitation of succession application based on the change of name application?

The name cannot be changed on the limitation of succession, but he must present the change of name certificate when claiming his share at any of the concerned authorities who demand it.

59. What are the requirement for a continuation of marriage for a woman whose husband is imprisoned?

The wife must coordinate with the imprisoning facility to escort her husband to the court for the certification.

60. For Personal Status certifications, should there be a personal Power of Attorney or a general Power of Attorney from the applicant?

No, a Power of Attorney specifically for Personal Status certifications must be provided.

61. Can a marriage contract be drawn for those under 18 years of age?

It can be done on the condition that both parties must have complete 18 lunar years. The permission of the specialized judge for such marriage contacts must be taken.
62. What are the documents required for a marriage contract by a Marriage Official at home?
The documents required are ID card for nationals and residents and passport copies of non-residents such as the guardian, couple, and witnesses. The medical report certificate of the couple and otherjustifications for each case according to the requirements of the Marriage Official.

63. Should there be a written consent from the General Directorate of Residency and Foreign Affairs to change the clan/tribe name?
Yes, it is a must.

64. Can a Emirati woman married to a non-Emirati obtain a financial support certificate for supporting her mother-in-law?
She cannot obtain such a certification unless she provides proof that her husband is unable to work.

65. Can an acknowledge of accommodation of children under custody of the mother be attested in accordance to a power of attorney from her?
Yes, on the condition that the power of attorney indicates the mother as the custodian.

66. Can an acknowledgment be attested at the Notary Public for a no objection from a father for his son to gain UAE citizenship?
Yes, if the mother is a non-national.

67. Must a Iraqi who wants to get married to an Emirati woman present a certificate of good conduct as one the requirements of the marriage contract?
Yes, it must be a valid certificate.

68. Can person be a witness in his sister’s marriage contract?
Yes.
69. Can an Emirati from Sharjah obtain a trade permit for his minor son at Dubai Courts?
No, it can only be obtained by Emiratis from Dubai.

70. Can a marriage contract be drawn for an Emirati from Dubai who has lost his identity card?
Yes, if can provide an official notice of identity card loss along with a receipt for issuing a new ID card.

71. Should a witness in all Personal Status lawsuits and authentication be an Emirati national?
No, unless the court requires so.

72. Should the wife’s allowance be defined in the marriage contract?
It must only be defined by agreement of both parties.

73. Can a brother who has a power of attorney from his father represent him as a guardian in his Emirati sister’s marriage contract?
He cannot do that without a special power of attorney for marriage contracts.

74. Can a marriage contract be drawn of an expat who has a month left for her visa to expire?
Yes, it can be done before the visa expiration.

75. Can an Emirati from Dubai get married to an non-Emirati who will turn 18 after a month?
No, unless the Chief Justice of Personal Status Court approves it.

76. Can a Marriage Official draw a marriage contract of an Emirati woman with a man from a GCC country?
Yes.
77. Can a Moroccan living in Dubai get married to a Spanish woman who converted to Islam according to a declaration of Islam issue from Saudi Arabia?
He can, if the declaration is attested by the concerned authorities in Saudi Arabia and the United Arab Emirates.

78. Can a 17 year old Emirati girls living in Dubai change her first name without her parents’ consent?
No, she cannot.

79. Can a British national living in Dubai obtain a Proof of celibacy certificate?
This certificate is only issued for Emiratis.

80. What are the procedures for waiving one’s share from the inheritance?
The waiving of inheritance file is presented to the specialized judge.

81. Can an Emirati man get married to an non-national woman whose visa has expired?
No, he cannot.

82. What are the procedures for authorizing a guardian for a woman in cases other than marriage?
The guardian must be present at the Personal Status Services Section to file for the POA along with the national ID for residents and passports of non-residents.

83. What are the requirements for a woman who wants to file for an absence of husband certificate?
She must file a Proof of absence lawsuit at the Central Services Section.
84. What are the requirements for limitation of succession certificate for Muslims and non-Muslims?

- The application must include the name of the deceased, the applicant’s name and names of the heirs.
- Copy of the Death Certificate in Arabic or its translation from the Ministry of Foreign Affairs, if issued outside the country.
- Copy of the lawyer’s Power of Attorney if there is one available along with its attestation.
- Passport copies of the heirs, deceased and applicant.
- Submitting the Limitation of Succession application at the Personal Status Services Section.
- Fees: AED 500 for non-Muslims

85. What are the requirements for an Inheritance file registration (Muslims and Non-Muslims)?

- The application inclusive of name of deceased and the applicant.
- Copy of the Limitation of Succession Certificate.
- Attested copy of the Power of Attorney of the lawyer, if available.
- Passport copies of the heirs, deceased and applicant.
- Fees: Muslims: (Exempted) and Inheritance of non-Muslims: (AED 100)

86. What are the requirements for registering for a Personal Status Pecuniary case (Muslims and non-Muslims)?

- Statement of Claim inclusive of the name of the applicant, plaintiff, minor or defendant and their addresses.
- Documents supporting the claim.
- Attested copy of the Power of Attorney of the lawyer, if available.
- Passport copies of the heirs, deceased and applicant.
- Fees: Muslims: (Exempted) and non-Muslims: (AED 100)
87. Can a true copy of the Continuation of Marriage Certificate be retrieved from the archives and what is the fee?
It can be done and the fee is AED250.

88. Can an Endowment on a Grant Land with a construct on it be attested with a certificate from the Department of Lands?
No, it cannot be done.

89. What are the procedures for registering a file at the Family Guidance Section?
• Presence at the Family Guidance Section
• UAE national ID along with the marriage contract
  • New applications are accepted from 7:30 am to 11:30 am
  • 3 reconciliation sessions are set. In case of reconciliation, a fourth session can be set.

90. Can a marriage contract be drawn between a man suffering from disease in the hemoglobin and a woman suffering from genetic thalassemia?
They must follow-up with the Court.

91. Can a man sponsoring and supporting an orphan, allow the orphan to trade before the specialized judge?
Yes, he must present the sponsorship and support certificate, the father’s death certificate and his UAE ID.

92. Can Russian woman who converted to Islam obtain a certificate of celibacy from Dubai Courts?
No, she must obtain said certificate for the authorities of her country.

93. Can a non-national obtain a changing of name certificate for his daughter born in Dubai?
He cannot because his application is only for Emiratis. His country’s embassy may provide with the certificate.
94. Can an Emirati woman whose father has deceased get married under the guardianship of her half-brother from her mother?

Yes, she can if he is the closest of kin.

95. A UAE national wants to issue a continuation marriage certificate, although he was marriage in Sudan, he has no proof of marriage. What are is the procedure?

He must file a proof of marriage lawsuit.

96. What are the requirements for non-consummation of marriage certificate?

Presence of the spouses with their Identity cards, original marriage contract and two witnesses.

97. Can person with a loss of identity card certificate from the Emirates Identity Authority apply for a clan/tribe name change certification?

Yes, he must bring his passport.

Stages of case procedures after case registration:

Filing and registering a case:

The case is referred to the court upon the request made by the plaintiff through a statement of claim, which must include:

- The full name of the plaintiff, their occupation, place of origin, place of business and the same for their representative.
- The full name of the plaintiff, their occupation, place of origin, place of business if they were employees for someone else and the same for their representative. If the plaintiff or their representative have no known place of origin or place of business then the last known place of origin or place of business must be given.
- Appointing a chosen place of origin in the country in case one is not available.
PERSONAL STATUS QUESTIONS

- Subject of the claim, application and it supporting documents
- Date of submitting the statement of claim to the court
- The court to which the case is being referred
- Signature of the plaintiff or their representative, and a copy of the representation document.
  - After registering the case in the system in the presence of the plaintiff or their representative, a date is set to consider the claim on the original and copy of the statement. The plaintiff or their representative sign to acknowledge that the hearing was conducted.
  - The plaintiff must provide copies for the number of defendants and a copy to be saved in the file. The plaintiff must also provide copies of the documents supporting the claim.
  - The plaintiff must provide copies for the number of defendants and a copy of his defense memo and a signed copy of documents supporting his claim before at least three days from the set hearing date.

Notification:
After case registration, a summons is issued for the defendant. In case the defendant is not notified, the issue is presented to the specialized judge to instruct the next course of action, which includes: 1) Physical delivery of summons 2) Summons by pasting 3) Summons by publication

Case consideration stage:
- The plaintiff must attend the first hearing and all consecutive hearings.
- The court may allow the litigants to present documents, defense or new evidence, make changes to applications or file for orders upon petition.
- The court can allow for closing argument memos to be exchanged in the set hearings before issuing the judgment.
Pronouncing of judgment stage:

- The judgment is pronounced in a public hearing set previously by the head of circuit or judge presiding over the case according to circumstances.
- A judgment will be considered a “judgment after trial” if the defendant was present in any one of the hearings or has deposited a defense memo even if they stop attending the hearings.
- If the defendant does not attend any hearing nor deposit a defense memo, the judgment will still be considered a “judgment after trial”.

The final quorum for the 1st Degree Court

- The Criminal Court comprises of a single judge and it specializes in:
  - Preliminary judgment in Civil, Commercial, Labour and Real Estate claims that do not exceed AED100,000 and counterclaims regardless of their value.

Preliminary judgment in the following cases regardless of their value:

- Distribution of undivided property
- Claims related to defining rent and wages
- Personal Status Claims
- In all cases, the partial circuit judgment is considered final, if the claim value does not exceed AED 20,000.

Full Jurisdiction Court comprises of three judges:

- The court specializes in all Civil, Commercial, Labour cases that are outside the partial circuit jurisdiction and original and subsidiary Real Estate cases regardless of their value.
- The courts also issues judgments in Temporary and Summary applications, all order upon petition applications and all cases related to the original application regardless of their value.
Appeal stage:

First: Principle:
- The Appeal Court specializes in Appeal cases filed against judgments issued from the Courts of First Instance as prescribed by law.
- Litigants in non-exception cases by law can appeal the judgments of the First Instance Court before the specialized Appeal Court.

Second: Exceptions:
- Judgments issued from the Appeal Court can be appealed within the final quorum from the 1st Degree Court due to breach in principles of jurisdiction related to the general system or voidance in the procedures affecting the judgment.
- Judgments issued in contradiction of a previously issued judgment which did not have enforceable power can also be appealed within the final quorum.
- The appellants in these cases must deposit a guarantee worth AED 1000 at the Appeal Court safety deposit.
- The guarantee is deducted by force of law if a judgment of non-appeal is issued.

Appeal Deadlines:
- 30 days unless otherwise specified by law.
- 10 days For Summary Cases.

Contestation stage:
- Litigants can contest judgments issued from the Appeal Court if the claim value exceeds AED 200,000 or is of an undetermined value in cases prescribed by law.
- Judgment issued by the Appeal Court in Execution procedures are non-contestable.
- A suspension of judgment must be filed for the contested judgment if issued for divorce, marriage annulments or
Real Estate ownership.

- In cases other than the above mentioned, the court can order a temporary suspension of judgment, if the appellant requests so in the statement of claim if they fear the execution will cause irreparable damage.

**Contestation Deadlines:**
- 30 days for Personal Status Cases.
- 60 days for all other cases.

**Execution Stage:**
- Forced execution of judgments cannot take place if the judgment is contestable, unless urgent execution is prescribed by law or court ordered.

**Requirements for Execution file registration:**
- Typing the Execution Bylaws using the model provided on the courts website.
- Execution writ prepared in the executory format.
- Proof of identity of the applicant (or their representative).
- Power of attorney if one exists.
- Payment of execution fee.

**Executive bond notification and fulfilment obligation:**
- A summons is issued against the judgment debtor. If the judgment debtor cannot be informed, the matter is presented before the specialized judge to instruct or next course of action.
  - Physical delivery of summer.
  - Summon by pasting.
  - Summer by publication.

**Beginning of procedures stage:**
- Following the summons stage and 15 days from execution bond and fulfilment obligation date, the following procedures are followed:
- The judgments debtor pays the executed amount before
the end of the 15 days period, then he must file a cashing application.

• If the judgment debtor refuses to pay the outstanding amount of the judgment, the execution applicant may take up forced execution procedures (inquiry-attachment-subpoena-sale)

Cashing and file storage stage:

• After depositing the execution outcome in the file (voluntary or forced execution)
• File cashing application and cashing order is issued.
• The file is transferred to the Case Service Section to issue the cheque amount for the judgment creditor.
• The cheque is received from the employee at counter (21) in the Central Services Hall.
• After cashing all amounts to the judgment creditor, the procedure ends and the file is saved.

The electronic services on Dubai Courts website can also be useful.
For more information call: +971 4 3030800 / +971 4 3347777