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عيسى السليطي للمحاماة  
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# A BRIEF GUIDE ON: WHAT TO DO WHEN AN EXPAT PASSES AWAY IN QATAR



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The death of a relative or friend, in addition to the emotional stress, is often a complicated time for those who must deal with the related procedures.

If procedures must be performed in a country other than that of one's nationality, the applicable rules and procedures, often unfamiliar to those involved, can complicate the situation further.

This short guide aims to clarify the steps to be followed in case of the death of a parent, loved one, or friend in Qatar.

## DEATH CERTIFICATE

The Births and Deaths Record Department at the Ministry of Public Health (MoPH) undertakes the issuing of the death certificates and the burial authorization for the non-Qatari population.

In order to obtain a death certificate and otherwise take the necessary procedures with MoPH, the following are the 'Documents Required For Expatriates':

- ◆ Notification of Death letter issued by the hospital.
- ◆ Death Registration Form
- ◆ Original Passport of the Deceased
- ◆ Original ID / Passport of the Informant

In case of repatriation of the body, further documentation is needed.



## INHERITANCE CERTIFICATE

According to the Qatari Law<sup>1</sup>, the inheritance shall be subject to the law of the country of nationality of the deceased at the time of death.

A certificate demonstrating the status of the heirs of the deceased must be provided.

All the relevant documentation prepared outside the State of Qatar has to be legalized by the Minister of Foreign Affairs of the country of origin and attested by the local Embassy of Qatar. Different countries follow different procedures so it could be useful to contact the Consulate or Embassy of Qatar in the country of interest for guidance. The attested documents should be then authenticated in Qatar.

<sup>1</sup>**Article 23** of Qatari Law No. 2004/22 Promulgating the Qatari Civil Code



## MANAGEMENT OF ASSETS

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The management of the assets of the deceased may be carried out by the heirs personally or by another person with Power of Attorney. If the Power of Attorney is issued outside Qatar, it must be legalized by the Minister of Foreign Affairs of the country of origin and attested by the local Embassy of Qatar.

The most common issues to be addressed after an Expatriates' death in Qatar are:

## EMPLOYMENT

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If the deceased was employed in Qatar, the employer shall bear the costs of processing and transferring the body of the deceased worker to his home country or his place of residence, if required by the employee's family<sup>2</sup>.

The heirs will have the right to receive the payments due to the deceased employee, according to the agreement signed between the employee and the employer. A final settlement will be provided by the employer which will include all the amounts due. These amounts may include, for example, unpaid salaries, the end-of-service gratuity, and any other payable benefit included in the contract. This amount will have to be transferred to the employee's bank account. The final settlement could be transferred directly to the bank account of the heirs if the bank authorizes this operation.

If nobody claims that amount, according to the Qatari Law<sup>3</sup>, the employer shall deposit at the treasury of the competent Court, any wage, or other entitlements to the worker, in addition to end-of-service gratuity.

A record will be made of this deposit which will detail the calculations of the wages and entitlements, and a copy of that report will be provided to the Labour Department.

The Court will then distribute the deposited amount among the heirs of the deceased individual according to Islamic Sharia or the Personal Status Law of the country of nationality of the deceased person.

If the Court is not able to identify the individual(s) who are eligible to receive the amounts within three years of the deposit, the amounts will be transferred to the public treasury of the State of Qatar.

The heirs of the worker who dies because of work shall have the right to obtain compensation<sup>4</sup>. The amount of compensation to which the heirs of the deceased are entitled will be calculated according to Islamic Sharia. However, the right of the heirs to claim this compensation is valid for only one year after the death of the worker.

It should also be noted that the right to compensation does not apply to the heirs of a worker who deliberately injured himself, who was under the influence of narcotic drugs or alcohol at the time of death, who purposefully violated occupational health and safety instructions from the employer, or who refuses without reason to be examined or treated by a medical authority.

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<sup>2</sup>Article 57 of Qatari Law No. 2004/14 On the Promulgation of the Labour Law

<sup>3</sup>Article 55 of Qatari Law No. 2004/14 On the Promulgation of the Labour Law

<sup>4</sup>Article 110 of Qatari Law No. 2004/14 On the Promulgation of the Labour Law

## BANK ACCOUNTS/LOANS

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After the death of the owner of a bank account, the bank will freeze the account until the proper documentation is provided by the heirs. The heirs should contact the bank to inform them of their heir status. Heirs who want to manage the accounts of the deceased will have to request authorization from the bank's legal department. The following documents are required:

- ◆ A death certificate,
- ◆ A certificate demonstrating the status of the heirs,
- ◆ The Power of Attorney, if any.

Once authorization is obtained, the heirs or proxy may transfer the amounts in the accounts and close the account.

Before allowing the movement of the financial assets, the banks will control any outstanding loans or debts. Some financial products are covered by insurance thus the related debts will be covered by the latter.

## INSURANCE

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The sponsor, the heirs, or the designated person should investigate immediately after the death if the deceased had life insurance. The insurance company could cover all or some of the costs of the burial or the repatriation of the body. Every insurance company has its list of documentation required. However, the original policy certificate, the death certificate (original and copy), and the Medical Report or the Police Report of the death are usually necessary to proceed.

## HOUSING LEASE

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If the deceased had signed a house leasing contract, the lessor should be informed about the death. The lease shall not be terminated by the death of one of the parties to the Lease. The lessee's spouse, parents, or children residing with him/her in the leased premises, except for any who have left the premises before the death of the lessee, shall assume all the lessee's rights and duties arising from the lease<sup>5</sup>.

The heirs of the lessee, under certain circumstances, may request termination of the lease<sup>6</sup>.

## GENERAL AUTHORITY OF MINOR AFFAIRS (GAMA)

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When the death of a person occurs in Qatar, GAMA gathers information regarding the assets and freezes them until they are claimed by the legal heirs.

In this case, the heirs or the delegate should provide the requested documentation to get the bank accounts and assets released.

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<sup>5</sup>Article 17 Law No. 2008/4 Regarding Property Leasing

<sup>6</sup>Article 16 Law No. 2008/4 Regarding Property Leasing,

Article 633 and Article 634 of Qatari Law No. 2004/22 Promulgating the Qatari Civil Code







## WILLS

According to Qatari Law, having a will is not mandatory. However, in the case of minors residing in Qatar or when there are assets owned in the State, preparing a will is strongly recommended. Indeed, the lack of a will can further complicate custody procedures for unaccompanied minors and the management of the property of the deceased.

In the event of the death in Qatar of both parents of the minors, the State will take care of the children until the appropriate guardians can be identified. The legal guardians will have to prove their status and these procedures may take a long time. If there is a will where the guardians for the custody of the minors are already designated, the children will be able to join their designated guardians immediately.

Regarding the assets, often there is uncertainty regarding the heirs, and the assets will be frozen for a long period until the related court decides upon the matter. To avoid problems related to the freezing of the accounts or other assets for long periods, it is advisable for expatriates to prepare a valid will in the State of Qatar.





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