

CHAPTER 54

THE IMMIGRATION ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 54

THE IMMIGRATION ACT

An Act to provide for the control of immigration into the United Republic and for matters relating to immigration.

[1st February, 1998]

[G.N. No. 51 of 1998]

Acts Nos.

7 of 1995

27 of 1997

G.N. No.

253 of 1996

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh54s1]1. Short title

This Act may be cited as the Immigration Act.

[PCh54s2]2. Application

(1) This Act shall extend to Tanzania Zanzibar as well as to Mainland Tanzania.

(2) Subject to this section this Act shall not apply to any citizen of Tanzania, except that—

(a) an immigration officer may exercise any of the powers conferred upon him by or under this Act, in relation to any person who is a citizen of Tanzania in so far as the exercise of that power is necessary to determine the status of that person as such; and

(b) a person who is a citizen of Tanzania shall be liable to be proceeded against, convicted and punished for an offence under this Act in respect of any obstruction of, or otherwise in relation to the exercise, by an immigration officer, of his powers under

this Act, or for an offence under this Act in relation to a person to whom this Act applies generally; and

(c) regulations made under paragraph (e), (m), (n), (o) and (p) of subsection (1) of section 33, and in pursuance of subsection (2) of that section, may be applied to persons who are citizens of Tanzania, and to that extent and for those purposes the provisions of this Act and of regulations shall apply to citizens of Tanzania.

(3) The Minister may, in relation to any category or description of persons who are not citizens of Tanzania, make regulations exempting those persons from all or any of the provisions of this Act and—

(a) providing for the control of immigration of such persons, whether by requiring them to comply with any such regulations before, on or after entering Tanzania or by prohibiting or regulating the entry into Tanzania of such persons, or otherwise;

(b) providing for the registration and identification of such persons for the purpose of the control of immigration, and for all matters incidental thereto;

(c) applying, with or without modification all or any of the provisions of this Act and of any regulations made hereunder to such persons.

(4) Regulations made under subsection (3)—

(a) may impose, for their breach, penalties of a fine not exceeding sixty thousand shillings or imprisonment for a term not exceeding one year or both that fine and imprisonment; and

(b) shall be laid before the National Assembly.

[PCh54s3]3. Interpretation

In this Act, unless the context requires otherwise—

"alien immigrant" means any person who is not a citizen of Tanzania;

"Board" means the Alien Immigrants Board established by section 17;

"child" includes a child adopted under the Adoption Act or the Adoption of Children Decree of Zanzibar, but does not include—

(a) a child adopted otherwise than under the Adoption Act * or the Adoption of Children Decree unless the Minister is satisfied that the circumstances of the adoption were such as substantially to satisfy the requirements of subsection (1), (2), (3), and (4) of the Adoption Act * or, as the case may be, of the Adoption of Children Decree; or

(b) a married woman; or

(c) any person who has attained the age of eighteen years;

"dependant" means a person who is materially dependent upon the earnings of another;

"deportation order" means an order made under section 14;

"destitute person" means a person who, in the opinion of the Director of Immigration Services, is incapable of supporting himself or his dependants;

"Director" means the Director of Immigration services appointed under section 4, and includes any person exercising the powers of the Director duly delegated to him pursuant to section 5;

"immigration officer" means any immigration officer of any grade appointed under subsection (3) of section 4, and includes the Director;

"magistrate" means in the case of Mainland Tanzania a resident magistrate, in the case of Zanzibar, a chairman of the People's Court;

"medical practitioner" means a medical practitioner registered or licensed under the Medical Practitioners and Dentists Act *, and appointed by the Director of Medical Services to act under this Act;

"Minister" means the Minister for the time being responsible for matters relating to immigration;

"pass" means a valid pass issued or deemed to have been issued under the provisions of any regulations made under this Act;

"passport" means a valid passport issued to a person by or on behalf of the Government or State of which he is a subject or valid travel document issued to a person by an authority recognised by the Government of the United Republic; such passport or document being complete and having attached to it a photograph of the holder and having endorsed on it all particulars, endorsements, photographs and visa required from time to time by the Government or authority issuing that passport or document and by the government of the United Republic and by any regulations for the time being in force in Tanzania in that behalf:

Provided that when the Government or authority issuing that passport has exempted the holder from the requirement of attaching a photograph to the passport then that passport shall be valid without the photograph;

"police officer" means any member of the Police Force of or above the rank of constable;

"prohibited immigrant" has the meaning ascribed to that expression in section 10;

"residence permit" means a valid permit issued or deemed to have been issued under the provisions of section 19, section 20 or section 21;

"ship" includes any vessel, tug, lighter or boat of any kind whether propelled by steam or in any other way or towed.

PART II

APPOINTMENTS AND POWERS (ss 4-9)

[PCh54s4]4. Appointment of Director, etc.

(1) There shall continue to be established the Office of the Director of Immigration Services and the President shall appoint upon such terms and conditions as he may specify in the instrument of appointment, a public officer to that office.

(2) The Director shall be the chief executive officer of the Immigration Division and shall, in that behalf, be answerable to the Minister.

(3) There shall be appointed such number of immigration offices as may be necessary for the proper and efficient administration of this Act.

[PCh54s5]5. Delegation of functions and powers of Director

(1) Subject to any general or specific directions given by the Minister in that behalf, the Director may, in writing and subject to such restrictions reservations, exceptions or conditions as he may impose, delegate to any immigration officer all or any of the powers conferred upon him by or under this Act; but no such delegation shall prevent the exercise by the Director of any power so delegated.

(2) The Director may at any time, by writing under his hand, revoke or vary his delegation under subsection (1) of all or any of the powers included in the delegation.

(3) Any exercise by an immigration officer of any power conferred upon the Director by or under this Act and delegated to him under subsection (1) shall be deemed, unless the contrary is proved, to be the exercise of that power as so delegated.

[PCh54s6]6. Functions of Immigration Officer

Every immigration officer shall perform such functions and duties as are imposed on him by or under this Act, or as may be determined by the Director, from time to time.

[PCh54s7]7. General powers of Immigration Officer

Without prejudice to the generality of section 6, and for the purpose of the better administration of this Act, any immigration officer may—

(a) interrogate, or scrutinise the passport of any person who desires to enter or leave Tanzania or any person who he has reasonable grounds for believing to be a prohibited immigrant and, when he has reason to suspect any infringement of any provision of this Act, or any regulations made hereunder, interrogate, or scrutinise the passport of, any person who he believes can give information regarding such infringement;

(b) require any person who has entered or who desires to enter or leave Tanzania to make and sign any prescribed form of declaration or to submit himself to examination by a medical practitioner;

(c) require the master of a ship, the captain of an aircraft, the guard of a train or the person in charge of a vehicle arriving from or leaving for any place outside Tanzania to furnish a list in duplicate, signed by himself or his agent or other person authorised to

do so on his behalf, of the names of all persons in the ship, aircraft, train or vehicle and to furnish such other information as may be prescribed;

(d) if he has reasonable cause to suspect that any person has contravened any of the provisions of this Act or of any regulations made hereunder or that the presence in Tanzania of any person is unlawful, and if he is of opinion that in order to prevent justice from being defeated it is necessary to arrest such person immediately arrest any such person without warrant, and bring him or cause him to be brought before a magistrate as soon as is practicable;

(e) require the production to him of any proof or evidence which he may consider necessary to substantiate any statement, either verbal or written, made for the purpose of obtaining any permit, pass or other authorisation which may be issued under the provisions of this Act;

(f) enter upon any premises at all reasonable hours and investigate any matter relating to immigration;

(g) require any person to produce to him any document which such person may be carrying or conveying.

[PCh54s8]8. Powers of arrest

(1) Any immigration officer may, without warrant, arrest any person whom he reasonably suspects to be a prohibited immigrant or to have contravened or to be about to contravene any of the provisions of this Act.

(2) If the Director is satisfied that any person entering Tanzania has been made the subject of an order of deportation by the Government of any other state or territory and is

in transit to the country to which he is to be deported, he may order that that person be detained for such period as may be necessary to enable him to continue on his journey to that country, and while so detained that person shall be deemed to be in lawful custody.

[PCh54s9]9. Powers of search

For the purposes of discharging his functions under this Act, an immigration officer may—

(a) without warrant, stop, enter, board and search any aircraft, train, vehicle, vessel, ship, building, premises, godown, container, boat or any part of Tanzania;

(b) without search warrant, stop, enter board and search any aircraft, train, vehicle vessel, ship or any part leaving or entering Tanzania in regard to goods carried therein.

PART III

PROHIBITED IMMIGRANT (ss 10-14)

[PCh54s10]10. Meaning of "prohibited immigrant"

(1) The expression "prohibited immigrant" means any person who, if he seeks to enter Tanzania is or, if he has entered Tanzania, was at the time of his entry—

(a) a destitute person;

(b) mentally defective or a person suffering from mental disorder;

(c) a person—

(i) who refuses to submit to examination by a medical practitioner after having been required to do so under the provisions of paragraph (c) of section 7;

(ii) who is certified by a medical practitioner to be suffering from a contagious or infectious disease which makes or which would make his presence in Tanzania dangerous to the public;

(d) a person who, not having received a free pardon, has been convicted in any country other than Tanzania of murder or any offence for which a sentence of imprisonment has been passed for any term and who, by reason of the circumstances connected therewith, is considered by the Minister to be an undesirable immigrant; but this provision shall not apply to offences which, in the opinion of the Minister, are of a political character not involving moral turpitude;

(e) a prostitute or a person who is living on or receiving, or who, prior to entering Tanzania, lived on or received, the proceeds of prostitution;

(f) a person whose entry into or continued presence in Tanzania is, in the opinion of the Minister or the Director, undesirable and who is declared by the Minister or the Director to be a prohibited immigrant; except that every declaration of the Director under this paragraph shall be subject to confirmation by the Minister, whose decision shall be final;

(g) a person against whom there is in force a deportation order or any order for deportation or expulsion from Tanzania made under the provisions of any law for the time being in force;

(h) a person whose presence in or entry into Tanzania is unlawful under any law for the time being in force;

(i) a person who is dealing in dangerous drugs.

(j) a dependant of a person to whom any of the preceding paragraphs of this definition apply.

(2) If at any time a person ceases to be a person to whom the provisions of subsection (1) apply, he shall immediately cease to be prohibited immigrant.

[PCh54s11]11. Entry, etc., of prohibited immigrants

(1) Subject to subsection 2, the entry and presence in Tanzania of any prohibited immigrant shall be unlawful.

(2) The provisions of subsection (1) shall not apply to any prohibited immigrant who is the holder of a valid permit or pass issued or deemed to have been issued to him under the provisions of this Act unless that permit or pass has been revoked.

[PCh54s12]12. Arrest and expulsion of prohibited immigrants

(1) Subject to the provisions of this Act, any immigration officer or any police officer may prevent any prohibited immigrant from entering Tanzania and may, without warrant, arrest any prohibited immigrant or any person who he has reasonable cause to suspect of having entered Tanzania while being a prohibited immigrant otherwise than in accordance with the provisions of this Act.

(2) Any person arrested under the provisions of subsection (1) shall, without delay, be brought before a magistrate; except that—

(a) where the ship, being a sea-going vessel, or the aircraft, from which such person disembarked is about to depart, he may, instead of being brought before a magistrate, be handed over to the custody of the master of the ship or the captain of the aircraft unless he sooner demands to be taken before a magistrate; or

(b) where such person entered Tanzania overland or by inland waters, he may, instead of being brought before a magistrate be conducted to and placed across the frontier unless he sooner demands to be taken before a magistrate; or

(c) where such person has been declared a prohibited immigrant in Tanzania, he may instead of being brought before a magistrate, be placed in custody until he boards a ship or aircraft or obtains any other means of transport conveying him to any place outside Tanzania.

[PCh54s13]13. Liability for bringing prohibited immigrants into Tanzania

(1) The person in charge of any aircraft, train, vehicle or ship bringing into Tanzania and person found, on appearing before an immigration officer, to be a prohibited immigrant, and the owners, agents and charterers in Tanzania of that aircraft, train, vehicle or ship, shall upon being required by an immigration officer to do so, remove that prohibited immigrant from Tanzania and in default, pay to the Government all expenses incurred by the Government in connection with the transport and maintenance of the prohibited immigrant and his deportation from Tanzania.

(2) The amount of the expenses referred to in subsection (1) shall be a debt due to the United Republic and shall be recoverable by a suit brought in the name of the Director in any court of competent jurisdiction.

[PCh54s14]14. Deportation

(1) Any person, other than a citizen of Tanzania, whose deportation is recommended by the Director consequent upon his conviction for an offence against any

of the provisions of this Act may be deported from Tanzania pursuant to an order under the hand of the Minister.

(2) The Minister may make an order requiring—

(a) any prohibited immigrant (other than a prohibited immigrant who is the holder of a valid pass or other authorisation issued to him under this Act); or

(b) any person whose entry into Tanzania was, or presence within Tanzania is, unlawful; or

(c) any person, other than a citizen of Tanzania, whose conduct or continued presence in Tanzania is, in the opinion of the President, likely to be a danger to peace and good order in Tanzania or is for any other reason undesirable, to be deported from and remain out of Tanzania, either indefinitely or for the period specified in the order.

(3) Any order made under subsection (1) or (2) shall be carried into effect in such manner as the Minister may direct.

(4) A person against whom a deportation order is made may, if the Minister so directs, while awaiting deportation and while being conveyed to the place of departure, be kept in custody, and while so kept shall be deemed to be in lawful custody.

(5) Where any person is brought before a court under the provisions of this Act and the court is informed that an application for an order under this section has been made in respect of him, the court may direct that, that person be detained in custody for any period not exceeding twenty eight days.

(6) A deportation order shall remain in force for the period specified therein, unless sooner varied or revoked by the Minister, or, if no period is so specified, until varied or revoked by the Minister.

(7) Where a deportation order under this section is made against a person serving a sentence of imprisonment the order shall, if the President so directs, be implemented notwithstanding that the full term of imprisonment has not been served, and any such direction by the President shall be sufficient authority for the release of that person from prison for the purpose of his deportation.

PART IV

CONDITIONS OF ENTRY AND RESIDENCE (ss 15-27)

[PCh54s15]15. Prohibition on entry without passport, permit or pass

(1) Subject to subsections (2) and (3), no person to whom this section applies shall enter Tanzania from any place outside Tanzania or remain in Tanzania unless—

- (a) he is in possession of a valid passport; and
- (b) he is the holder of or his name is endorsed upon, a residence permit issued under the provisions of this Act; or
- (c) he is the holder of, or his name is endorsed upon, a pass issued under the provisions of this Act.

(2) Notwithstanding subsection (1), the Director may, in any particular case allow any person to enter Tanzania without a passport, subject to such conditions as he may impose.

(3) The Minister may exempt any person or category of persons from the requirement of possessing a passport.

(4) Where any permit or pass or any endorsement on a permit or pass is cancelled and no further permit or pass is issued or endorsement made, the presence in Tanzania of the former holder of that permit or pass or of the person whose name was endorsed on that permit or pass, as the case may be, shall not be unlawful by reason only of the provisions of subsection (1) before the date or during the period commencing with, the expiry or cancellation, as may be provided for in relation to permits, passes or endorsements, on permits, passes or endorsements of the relevant category, by regulations made under section 33, unless the Minister directs otherwise.

(5) The provisions of paragraphs (a) and (b) of subsection (1) shall apply to every person other than—

(a) the envoy or other representative of a foreign sovereign power accredited to Tanzania, and members of the official staff and the domestic staff of such envoy or representative;

(b) a consular officer or consular employee of a foreign sovereign power appointed to Tanzania and recognised as such by the Government of Tanzania;

(c) the wife and dependant children of an envoy or other representative of a foreign sovereign power accredited to Tanzania, or of a member of the official staff of the envoy or other representative or of a consular officer or consular employee of a foreign sovereign power appointed to Tanzania and recognised as such by the Government of Tanzania;

(d) a person in the service of the Government of Tanzania or the Revolutionary Government of Zanzibar and stationed in Tanzania who has in his possession a valid passport and satisfies the immigration officer as to his identity and occupation, and the wife and dependant children of such person; except that any person so engaged in the service of the Government of Tanzania or the Revolutionary Government of Zanzibar, may be called upon to provide security either by bond or cash deposit for any expenses which may be incurred by the Government or his employer for repatriating him, his wife and dependant children to his country of origin;

(e) any other person in respect of whom the Minister has given directions that he shall be exempt from the provisions of paragraphs (a) and (b) of subsection (1) of this section.

(6) The wife or any dependant child of any person exempted under subsection (5) shall not engage in any employment, business, trade or profession in Tanzania without first obtaining a residence permit issued or deemed to have been issued to him for that purpose.

(7) Where—

(a) any person to whom paragraph (a) of subsection (5) refers ceases to hold that office;

(b) any person to whom paragraph (d) of subsection (5) refers ceases to be in the service of the Government of Tanzania or the Revolutionary Government of Zanzibar, or ceases to be stationed in Tanzania; or

(c) the Minister gives directions that any exemption granted under paragraph (e) of subsection (5) is revoked or withdrawn,

then, on the expiration of one month from the cessation, revocation or withdrawal of the exemption, as the case may be, or such longer period as the Minister may allow, the presence in Tanzania of such person and, in the case of a person to whom paragraph (a), (b), (d) or (e) of subsection (5) refers, of his wife and dependant children, shall, unless otherwise authorised under this Act, be unlawful.

(8) The Minister may, after consulting and obtaining the consent of the President of Zanzibar, by order published in the Gazette, make additional provisions regulating the entry into and exit from Zanzibar for visitors to Tanzania.

[PCh54s16]16. Prohibition on employment, study, etc., without permit

(1) No person shall engage in paid employment under an employer resident in Tanzania except under a permit issued in accordance with the provisions of this Act.

(2) No person shall for gain or reward engage in any prescribed trade, business, profession or other occupation except in accordance with the terms of an appropriate permit issued in accordance with this Act.

(3) No person shall commence any course of study at an educational institution in Tanzania unless he is the holder of a valid appropriate permit issued in accordance with this Act.

[PCh54s17]17. Establishment, composition and functions of the Alien Immigrants Board

(1) There is hereby established a Board to be known as the Alien Immigrants Board.

(2) The Board shall be composed of the members—

(a) a Chairman, being a senior officer in the Ministry responsible for immigration, appointed by the President.

(b) the Commissioner for Labour in the Union Government or his representative, who shall be the Secretary of the board;

(c) the Commissioner for Labour in the Revolutionary Government of Zanzibar or his representative;

(d) six senior public officers, one each from the Union Government and the Revolutionary Government of Zanzibar representing the following institutions namely—

(i) the Ministry responsible for trade and industry;

(ii) the institution responsible for planning matters;

(iii) the institution responsible for the Civil service.

(3) The functions of the Board shall be—

(a) to advise the Director and other relevant authorities on factors to be considered before the Director or the authority concerned makes a decision to issue work permits, business licences or Class B residence permits to alien immigrants;

(b) to advise the Director and other relevant authorities on conditions for, and ways of, controlling and monitoring entry, residence or mobility of any alien immigrant who applies for and is issued with a work permit, business licence or Class B residence permit under paragraph (a);

(c) to advise the Director and other relevant authorities on whether or not the business or employment vacancy in which an alien immigrant proposes to be engaged cannot be gainfully filled by citizens of Tanzania;

(d) to advise the Director generally on any measures for the more effective carrying out of the provisions of this section.

(3) The Minister may by regulations published in the Gazette prescribe the tenure of members and proceedings of the Board and otherwise in relation to the Board.

(4) The Minister may amend, vary or revoke the regulations made under subsection (3) of this section.

[PCh54s18]18. Classes of residence permits Act No. 27 of 1997 s. 25

(1) There shall be three classes of residence permits to be known respectively as Class A permits, Class B permits and Class C permits.

(2) A residence permit may be issued for any period not exceeding three years and may be renewed for any period not exceeding two years by an endorsement of renewal effected on it by the Director but so that the total period of the validity of the original permit and of its renewals shall not in any case exceed five years.

(3) The power to issue any class of permit shall be vested in the Director.

(4) Subject to this Act and in particular the provisions of this Part, any person who is granted a certificate of incentives pursuant to the Tanzania Investment Act * shall be entitled to an initial automatic immigrant quota of up to five persons during the start period of the investment.

(5) In issuing permits pursuant to the application submitted by the Tanzania Investment Centre on behalf of a holder of certificate of incentives, the Director shall, having due regard to the immigrant quota under subsection (4), within fourteen days from

the date of receipt of the application issue the permit or indicate to the centre his reasons for refusal to grant a permit.

(6) Subject to sections 11 and 12, the immigration quota in respect of mining and petroleum operations shall be determined by the investor depending on the nature of the operations.

(7) Subject to subsections (4) and (5), the Tanzania Investment Centre shall make any application for an additional person within the immigrant quota to the Director who may authorise my additional person whom he shall deem necessary after taking into consideration the availability of qualified Tanzanians, complexity of the technology employed by the business enterprise and agreements reached with the investor.

[PCh54s19]19. Class "A" residence permit

(1) A person, other than a prohibited immigrant, who intends to enter or remain in Tanzania and engage in any trade, business, profession, agriculture, animal husbandry, prospecting of minerals or manufacture may, if the Director thinks fit, be granted a class A permit if—

(a) such person or some other person on his behalf furnishes security by depositing with an immigration officer such sum as in the opinion of the immigration officer, is sufficient to cover the cost of returning him, his wife and dependant children, if any, to his country of origin or, in the discretion of the immigration officer, to some other country into which he may be admitted, together with a further sum not exceeding twenty-five per centum of such first-named sum; or

(b) he furnishes security by entering into a bond with one or more sureties to be approved by the immigration officer for an amount calculated in accordance with paragraph (a).

(2) A person to whom a Class A permit has been granted shall be permitted to enter or remain in Tanzania subject to such conditions relating to—

- (a) the area within which he may reside;
- (b) the kind of occupation or business (if any) in which he may engage, and the restrictions prohibitions or limitations subject to which he may engage therein; and
- (c) the duration of his residence in Tanzania, as may be specified in the permit by the Director.

(3) Where any person to whom a Class A permit has been granted—

- (a) fails or ceases to be engaged in the trade, business, profession or other occupation specified in the permit, or
 - (b) engages on any terms, in any trade, business profession or occupation other than the trade, business, profession specified in the permit,
- the permit shall immediately cease to be valid and the presence of that person in Tanzania shall, subject to the other provisions of this Act, be unlawful.

(4) A person, other than a prohibited immigrant, who resides in Tanzania for ten or more years and whose contribution to the economy or the well being of Tanzania and Tanzanians through investment in trade, business, profession, agriculture, animal husbandry, prospecting of minerals or manufacture is immense or of great value may, if the Director thinks that that person's contribution is still valuable and in demand, he may,

subject to the other conditions set out in this section, be granted a class A permit for another period to be determined by the Director.

[PCh54s20]20. Class "B" residence permit

(1) A person, other than prohibited immigrant, who has been offered a specified employment in Tanzania and in respect of whom the Director is satisfied that he possesses the qualifications or skill necessary for that employment and that his employment will be of benefit to Tanzania may, if the Director thinks fit, be granted a Class B permit subject to the condition that the employer shall, before entry into Tanzania of that person and his dependants, if any, or before he is granted the permit, give security for the permit and for any other purposes as the Director may determine.

(2) A person to whom a Class B permit is granted shall be permitted to enter or remain in Tanzania subject to any conditions in respect of any of the matters referred to in paragraphs (a), (b) and (c) of subsection (2) of section 19, or any other matter, which the Director may specify.

(3) Where any person to whom a Class B permit has been granted—

(a) fails or ceases to be engaged in the employment specified in the permit; or

(b) is engaged, on any terms, in any employment other than the employment specified in the permit,

the permit shall immediately cease to be valid and the presence of that person in Tanzania shall, subject to the other provisions of this Act, be unlawful.

(4) Where the presence of a person in Tanzania becomes unlawful by virtue of the provisions of subsection (3), the employer specified in the permit of that person shall,

within a period of thirty days from the date on which the holder fails or ceases to be employed by that employer, report that failure or cessation to an immigration officer; and any employer who refuses or fails to comply with this subsection shall be guilty of an offence.

[PCh54s21]21. Class "C" residence permit

(1) A person, other than prohibited immigrant, who is not granted a Class A or Class B permit may, if the Director thinks fit, be granted a Class C permit subject to any condition in respect of matters referred to in paragraphs (a) and (b) of subsection (1) of section 19, or any other matter, as may be specified by the Director.

(2) A person to whom a Class C permit is granted shall be permitted to enter or remain in Tanzania subject to such conditions as may be specified by the Director.

[PCh54s22]22. Permits to be issued subject to conditions

(1) Each residence permit issued under this Act shall be subject to the conditions prescribed from time to time in respect of the class of that residence permit.

(2) Every residence permit, irrespective of its class, issued under this Act shall be subject to the condition that if at any time its holder is notified by the Director that the permit has been revoked in accordance with section 27, that holder shall, within the time specified by the Director, leave Tanzania.

(3) A residence permit issued under this Act to any person intending to visit or to remain in Zanzibar for the duration of the validity of the permit shall be subject to the further condition that the holder shall comply with the provisions of any order made under subsection (8) of section 15.

(4) Where it is proved that any person to whom a residence permit was issued has contravened, failed or refused to comply with, any condition subject to which the permit was, or was deemed to have been, issued, then the permit shall expire and the presence of that person in Tanzania shall become unlawful; and if the security furnished—

(a) was furnished by way of deposit, that deposit may be forfeited, or

(b) by way of bond, then the Director may sue for and recover the amount secured by the bond.

[PCh54s23]23. Appeals to the Minister

Any person aggrieved by any decision of the Director refusing an application for a residence permit or varying the conditions or period of validity specified in the permit, may appeal to the Minister against the decision and the decision of the Minister on that appeal shall be final and shall not be subject to any inquiry by any court of law.

[PCh54s24]24. Variation of conditions of permits

Subject to the provisions of this Act relating to any permit or class of permits, the Director may, on his own motion or on application in the prescribed manner by the holder of a permit issued under this Act, vary the conditions and the period of validity, specified in the permit.

[PCh54s25]25. Dependants of person granted permits

(1) Subject to any conditions prescribed in that behalf, the Director may, on application being made in that behalf in the prescribed form by the holder of or the applicant for a residence permit, endorse on the residence permit the name or names of the

wife and the dependent children of the holder or applicant accompanying him to or resident in Tanzania.

(2) An endorsement made under subsection (1) shall, unless the Minister in any particular case directs otherwise, expire with effect from the expiration of one month (or such further period as the Director may on application made to him in that behalf in his discretion allow) from the death of the holder of the residence permit or the date when the wife or child ceases to be a dependant of the holder, or the date when the person whose name is so endorsed ceases to be the wife or, as the case may be, a child, within the meaning of this Act, of the holder, and the presence of that wife or as the case may be, that child, in Tanzania shall unless otherwise authorised under this Act, thereupon be unlawful.

[PCh54s26]26. Effect of fraud

(1) Where—

- (a) the Director is satisfied, in the performance of his functions; or
- (b) it is proved in any proceedings under this Act,

that any permit, pass, certificate or other authority issued under this Act was obtained by, or issued in consequence of, any fraud or misrepresentation or the concealment or non-disclosure, whether intentional or inadvertent, of any material particular, that permit, pass, certificate or other authority shall be and be deemed to have been, void with effect from the date when it was issued.

(2) Where a permit pass, certificate or other authority issued under this Act becomes, or is deemed to have been void, by virtue of the provisions of subsection (1) the

presence of its holder in Tanzania shall be, and be deemed to have been, unlawful from the date when that permit, pass, certificate or authority was issued and the provisions of section 14 of this Act shall apply to him.

[PCh54s27]27. Revocation and surrender of permits

(1) The Director may, by a written notice under his hand, revoke any permit issued under this Act if he is satisfied that the holder—

(a) has contravened any of the provisions of this Act or has failed to comply with any requirement made under this Act;

(b) obtained any permit by means of any representation which was false in any material particular or by means of concealment of any material information;

(c) has failed to observe any conditions specified in the permit;

(d) has become or is likely to become a charge on the United Republic in consequence of his failure to support himself and any of his dependants who is in Tanzania.

(2) A notice revoking a permit issued under this Act shall be served in person on the holder of the permit and shall specify—

(a) the permit to be revoked;

(b) the date, not being less than three days after the service of the notice, on which the revocation shall take effect; and

(c) the ground or grounds on which the revocation is made,

and the permit shall cease to be valid on the date specified under paragraph (b).

(3) Every permit issued under this Act to a person who is a prohibited immigrant shall be of no force and effect and shall be deemed never to have been so issued.

(4) Every permit issued under this Act to a person who after being issued with it becomes a prohibited immigrant shall cease to be of force and effect at the time when the holder becomes a prohibited immigrant.

(5) Where a person issued with a permit of one class of residence permit is subsequently granted a permit of another class, he shall surrender the former permit to an immigration officer for cancellation.

(6) Where any person to whom a Class A, Class B or Class C permit has been granted leaves Tanzania permanently, the permit shall be cancelled by an immigration officer and that person shall surrender the permit to an immigration officer for cancellation.

(7) Any person who contravenes or refuses or fails to comply with any of the provisions of this section shall be guilty of an offence.

PART VI

MISCELLANEOUS PROVISIONS (ss 28-38)

[PCh54s28]28. General power of Minister on prohibition

Notwithstanding any of the other provisions of this Act, the Minister may, in his discretion, prohibit the entry into or presence within Tanzania or any person, other than a citizen of Tanzania, or of any category of persons and, for so long as that prohibition

remains in force, the entry into or presence within Tanzania of that person or a person belonging to that category shall be unlawful.

[PCh54s29]29. Evidence

Any document purporting to be—

(a) a warrant, notice, permit, certificate or other document duly issued under this act; or

(b) a certified true copy of any record kept by the Director,

shall, in any prosecution or other proceeding under or arising from this Act, be prima facie evidence of the facts contained in it and shall be receivable in evidence without proof of the signature or the official character of the person appearing to have signed or certified it; except that the court before which the proceeding is brought may direct that oral evidence be adduced relating to the facts, signature or official character of the person.

[PCh54s30]30. Burden of proof

Where in any proceedings under or for any of the purposes of this Act, any of the following questions is in issue, namely—

(a) whether any person is or is not a citizen of Tanzania; or

(b) whether any person's presence within Tanzania is lawful,

the burden to prove that that person is a citizen of Tanzania or that his presence in Tanzania is lawful shall lie upon the party contending that that person is a citizen of Tanzania or, as the case may be, that his presence in Tanzania is lawful.

[PCh54s31]31. Offences G.N. No. 253 of 1996

(1) Any person who—

(a) fails or refuses to answer any lawful and reasonable question put to him by any immigration officer, or in answer to any such question, gives any information which he knows or has reason to believe to be false;

(b) whether within or outside Tanzania, makes any false declaration, return or statement for the purpose of obtaining or assisting another person to obtain any permit, certificate, authorisation pass, visa or endorsement under this Act;

(c) alters any permit, certificate, pass, endorsement, authority or other document issued or made in pursuance of this Act, or any copy of any such document;

(d) allows or permits any permit, pass, certificate, authority or other document granted or issued to be used by any person not mentioned therein, or falsely represents himself to be the person to whom any permit, pass certificate, authority or other document has been granted or issued;

(e) uses or has in his possession any forged or irregular passport, permit, certificate or any passport or similar document on which any visa or endorsement has been forged, or any passport, permit, certificate or pass which has been altered or issued without lawful authority;

(f) obstructs or impedes an immigration officer in the execution of his duties;

(g) misleads or attempts to misled an immigration officer seeking, in the execution of his duties, information in relation to any matter;

(h) fails to furnish any list or information required to be furnished by him under this Act or regulations made hereunder;

(i) unlawfully enters or is unlawfully present with Tanzania in contravention of the provisions of this Act;

(j) being a prohibited immigrant, fails to comply with a lawful requirement of the Director to leave Tanzania;

(k) fails to comply with any term or condition imposed in respect of any permit, certificate or pass issued to him under the provisions of this Act or any regulations made hereunder being a term or condition with which he is required to comply; or

(l) harbours any person who he knows or has reasonable grounds for believing has committed any of the foregoing offence;

(m) engages in any employment, occupation, trade business or profession, whether or not for gain, profit or other consideration whatsoever without being in possession of a valid residence permit or pass issued to him for such purposes;

(n) employs any person whether or not/gain, profit or other consideration, who he knows or has reasonable cause to believe is committing an offence under paragraph (m);

(o) falsely presents any passport, entry permit, pass, visa, written authority consents or approval issued to another person as being such document issued to himself;

(p) aids or abets any person in committing any of the foregoing offences; and

(q) employs any person who is not a citizen of Tanzania and who has no pass or permit authorising him to be so employed,
shall be guilty of an offence.

(2) Any person who commits an offence under this Act shall, except where any other penalty is specifically provided therefor, be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(3) Any person who having been deported from Tanzania under the provisions of this Act or any other law for the time being in force, returns to Tanzania while the deportation order is still in force shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred fifty thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment, and may again be deported under the provisions of section 14.

(4) Where any prohibited immigrant enters Tanzania from any ship, aircraft or vehicle, whether or not with the knowledge of the owner, agent or person in charge thereof, such owner, agent or person in charge shall each be guilty of an offence and shall be liable on conviction therefor to a fine not exceeding three hundred thousand shillings, and, whether or not any prosecution for an offence under this subsection has been commenced, the ship, aircraft or vehicle may, by order of the court, be detained until provisions has been made by the owner, agent or person in charge, as the case may be, to the satisfaction of an immigration officer for the conveyance out of Tanzania of such prohibited immigrant:

Provided that the provisions of this subsection shall not apply where the prohibited immigrant is the holder of a valid pass or other authorisation issued to him under the provisions of this act authorising him to enter into and remain in Tanzania.

(5) Where any fine is imposed under the provisions of this Act upon any owner, agent or person in charge of any ship, aircraft or vehicle, such vessel, aircraft or vehicle may, by order of the court be detained until such fine has been paid, and in the event of non-payment of the fine within such time as the court may allow the court may order the attachment and sale of such vessel, aircraft or vehicle in execution of such order for the payment of fine.

(6) Any police officer may, if he has reasonable cause to suspect that any person has contravened any of the provisions of this Act or of any regulations made under this Act and if he is of opinion that in order to prevent justice from being defeated it is necessary to arrest such person, arrest such person without warrant, and such person shall be brought before a magistrate as soon as possible after such arrest.

(7) In any proceeding for an offence under this section a person shall be deemed to know the contents of any declaration, return or statement which he has signed or marked for the purpose of or pursuant to any requirement of this Act or regulations made under this Act, whether or not he has read such declaration, return or statement.

[PCh54s32]32. Indemnification of public officers

No suit shall lie against any public officer in respect of anything done or omitted to be done by him in good faith in the exercise or purported exercise of any function conferred upon him by this Act.

[PCh54s33]33. Regulations

(1) The Minister may make regulations—

(a) prescribing—

(i) the terms and conditions subject to which any person may be granted a pass enabling him to enter and remain within Tanzania, the period for which any such pass may be granted, the classes of passes and the person who may issue the same;

(ii) the terms and conditions subject to which any person may be granted a pass to re-enter Tanzania and the person who may issue such pass;

(b) making provision with regard to the endorsement of passes, the conditions subject to which such endorsement may continue to be valid and the expiry and termination of passes and endorsements thereon;

(c) providing for the payment and recovery of any expenses incurred by the Government or any person authorised by the Government in that behalf in connection with the detention, maintenance, medical treatment or conveyance to any place outside Tanzania of any person;

(d) prescribing the place where, the person or persons to whom, and the manner in which, applications to enter Tanzania shall be made;

(e) prescribing the place of or places which entry into Tanzania may be made;

(f) prescribing the procedure to be followed by persons entering Tanzania;

(g) prescribing the procedure to be followed by persons entering or leaving Zanzibar;

(h) prescribing the procedure for the making of applications for and the issue of visas;

(i) prescribing the information to be given by an employer or prospective employer in relation to the arrival or expected arrival in Tanzania of, the taking up or

failure to take up employment by, the dismissal from the employment of, or the expiration of determination of the contract of employment concerning, any person, other than a citizen of Tanzania, employed or to be employed by the employer;

(j) prescribing the fees, if any, to be charged upon application for the grant, issue or renewal of any permit, endorsement or pass;

(k) making provision with regard to any delegation of powers authorised by this Act;

(l) prescribing the deposit or security, if any, to be made or given in respect of any person who enters or desires to enter, or has entered, Tanzania under the authority of a permit or a pass issued under this Act, the conditions subject to which such deposit or security may be forfeited and the purposes for which any monies so forfeited may be applied;

(m) requiring persons entering or leaving Tanzania to furnish to an immigration officer such information as may be prescribed or required by such officer;

(n) prescribing the forms to be used for the purposes of this Act;

(o) prescribing the information to be furnished and the returns to be made by employers with respect to the persons employed by them, including in particular information as to citizenship, nature of employment, qualification and experience of such persons, and as to schemes for the training of citizens of Tanzania for such employment;

(p) prescribing anything which is to be or may be prescribed under this Act;
and

(q) generally for the better carrying into effect of the purposes of this Act.

(2) Regulations under this section may impose, for their breach, penalties of a fine not exceeding three hundred thousand shillings or imprisonment for a term not exceeding three years or both such fine and imprisonment.

[PCh54s34]34. Power to exempt

The Minister may, by order published in the Gazette, exempt any person or class of persons from all or any of the provisions of this Act or regulations made under this Act, subject to such exceptions, limitations, conditions and restrictions specified in such or any subsequent order.

[PCh54s35]35. Registration of alien immigrants

The Minister may make rules for the registration of alien immigrants to Tanzania prescribe conditions which those persons shall comply with.

[PCh54s36]36. Reasons for arrest, search or detention

(1) Every person arrested or detained under the provisions of this Act shall be informed, as soon as reasonably practicable in a language which he understands, of the reason for his arrest, search or detention.

(2) Notwithstanding the provisions of subsection (1), no person shall be entitled to be informed as to the grounds of which a decision has been made relating to his being declared a prohibited immigrant or to an order for his deportation.

[PCh54s37]37. Repeal of Act No. 8 of 1972 and Z. Cap. 43

[Repeals the Immigration Act and the Immigration Control Decree of Zanzibar.]

[PCh54s38]38. Savings

(1) Every permit, warrant, direction, certificate, notice or other document and every order of deportation and every security which was valid immediately before the commencement of this Act and—

(a) which was issued, made, granted or given under the laws repealed by this Act; or

(b) whose effect was preserved under the laws repealed by this Act, shall be given effect as if issued, made, granted or given under this Act.

(2) Any person who before the commencement of this Act was deported or removed from, or required to leave or prohibited from entering into or remaining within the former Republic of Tanganyika, the former People's Republic of Zanzibar or any part of the United Republic of Tanzania or any law of Zanzibar enacted by the Revolutionary Council of Zanzibar, which was in force immediately before the commencement of this Act shall be deemed to have been deported or removed from, required to leave, or prohibited from entering into or remaining within, as the case may be, the United Republic of Tanzania under this Act.