

THE IMMIGRATION ACT, 1972

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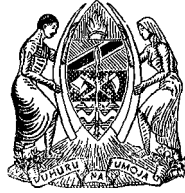
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THE UNITED REPUBLIC OF TANZANIA



No. 8 OF 1972

I ASSENT,

Julius K. Nyerere
 President

11TH MAY, 1972

An Act to repeal and replace the Immigration Act, 1963, to provide for the control of the immigration into the United Republic, registration of aliens and for matters connected therewith or incidental thereto

[1ST JUNE, 1972]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
 PRELIMINARY

1. This Act may be cited as the Immigration Act, 1972 and shall come into operation on the first day of June, 1972.

Short title
 and com-
 mencement
 Application

2. Subject to the provisions of this section, this Act shall not apply to any citizen of Tanzania:

Provided 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 such 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 of his Powers by, an immigration officer 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), (in and (n) of subsection (1) of section 28, and in pursuance of subsection (2) of that section, may be applied to persons who are citizens of Tanzania,

and such regulations shall apply to citizens of Tanzania.

(2) The Minister may, in relation to any category or description of persons who are not citizens of Tanzania make regulations exempting such 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 purposes 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.

(3) Regulations made under subsection (2)-

- (a) may impose penalties for the breach thereof of a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year or both such fine and imprisonment; and

(b) shall be laid before the National Assembly.

Interpretation
Cap. 335

3. In this Act, unless the context otherwise requires-

"child" includes a child adopted under the Adoption Ordinance but does not include -

- (a) a child adopted otherwise than under the Adoption Ordinance unless the Minister is satisfied that the circumstances of the adoption were such as substantially to satisfy the requirements of subsections (1), (2), (3) and (4) of section 4 of the Adoption Ordinance; 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 24;

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

"residence permit" means a valid permit issued or deemed to have been issued under the provisions of section 12, section 13 or section 14;

"immigration officer" means the Principal Immigration Officer, an Assistant Principal Immigration Officer, a Senior Immigration Officer, an Immigration Officer, an Assistant Immigration Officer and includes an Immigration Assistant and any public officer authorized under section 4 to exercise the functions of an immigration officer;

Cap. 409

"medical practitioner" means a medical practitioner registered or licensed under the Medical Practitioners and Dentists Ordinance and appointed by the Chief Medical Officer 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 a valid passport or other valid travel document issued to a person by an authority recognized 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 thereon all particulars, endorsements, photographs and visas required from time to time by the Government or authority issuing such 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 such passport has exempted the holder from the requirement of attaching a photograph to the passport then such passport shall be valid without such photograph;

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

"prohibited immigrant" has the meaning ascribed thereto in section 6.

4.-) The functions conferred by this Act upon the Principal immigration officer and immigration Officers shall be had and may be exercised by such public officers as the Minister may direct.

Immigration
officers

(2) The public officer directed under subsection (1) to have and exercise the functions conferred by this Act upon the Principal Immigration officer may, by writing under his hand and subject to such conditions as he may impose, delegate to an immigration officer all or any of such functions, and any exercise by an immigration officer of any function conferred by this Act upon the Principal Immigration Officer shall be deemed, unless the contrary is proved, to be the exercise of such function as so delegated.

5.-(1) For the purpose of exercising his powers and functions and the carrying out of his duties under this Act, every immigration officer of may--

Functions
of immigration
officers

- (a) without a search warrant, enter upon and search any building, ship, train, aircraft or vehicle entering or leaving Tanzania;
- (b) interrogate, or scrutinize 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 scrutinize the passport of any person who he believes can give information regarding such infringement;
- (c) require any person who has entered or who desires to enter or leave Tanzania to make and sign any prescribed form of declaration and submit himself to examination by a medical practitioner;

- (d) 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. authorized 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;
 - (e) 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 a warrant, and such person shall be brought before a magistrate as soon as possible after such arrest;
 - (f) require the production to him of any proof or evidence which he may consider necessary to substantiate any statement, either verbal or in writing, made for the purpose of obtaining any permit, pass or other authorization which may be issued under the provisions of this Act;
 - (g) enter upon any premises at all reasonable hours and investigate any matter relating to immigration;
 - (h) require any person to produce to him any document which such person may be carrying or conveying-
- (2) if the principal immigration officer 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, such person may be detained the order of the Principal Immigration Officer for such period as ~~upon~~ be necessary to enable him to continue on his journey to the said country, and while so detained such person shall be deemed to be in lawful custody.

PART II

PROHIBITED IMMIGRANTS

Meaning of
"prohibited
immigrant"

6. 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, or is-

- (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 subsection (1) Of section 5;
 - (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 Principal immigration Officer, undesirable and is declared by the Minister or the Principal Immigration Officer to be a prohibited immigrant:

Provided that every declaration of the Principal immigration Officer made 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 dependent of a person to whom any of the foregoing paragraphs of this definition apply:

Provided that if at any time such person shall cease to be a person to whom the provisions of the foregoing paragraphs apply, he shall thereupon cease to be a prohibited immigrant.

7. The entry into and presence in Tanzania of any prohibited immigrant shall be unlawful:

Entry etc.
of prohibited
immigrants

Provided that the provisions of this section 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 such permit or pass has been cancelled or revoked.

8.-(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 prohibited immigrant otherwise than in accordance with the provisions of this Act or regulations made hereunder.

Arrest and
detention of
prohibited
immigrants

(2) Any person arrested under the provisions of subsection (1) shall be brought without delay before a magistrate:

Provided that-

- (i) where the vessel, 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 vessel or the captain of the aircraft unless he sooner demands to be taken before a magistrate; or
- (ii) 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
- (iii) 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 vessel or aircraft or obtains, any means of transport conveying him to any place outside Tanzania.

(3) Any person who is placed in the custody of the master of a vessel or captain of an aircraft or conducted to and placed across the frontier or placed in custody by an immigration officer or police officer under the provisions of the proviso to subsection (2) shall, while in such custody or while being so conducted, be deemed to be in lawful custody so long as he is within Tanzania.

Liabilities of
master of
ship etc
in respect
of prohibited
immigration

9.-(1) The master, the owner and the agent in Tanzania of any vessel from which any prohibited immigrant has disembarked, shall be jointly and severally liable to convey such prohibited immigrant to any place outside Tanzania, or to pay to the Government all expenses incurred by the Government in connection with the transport and maintenance of such prohibited immigrant and his deportation from Tanzania; and the person in charge, the owner and the agent in Tanzania of any aircraft, motor vehicle or other vehicle shall, in like circumstances, be similarly liable.

(2) The amount of such expenses as are 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 Principal Immigration Officer in any court of competent jurisdiction.

PART III

ENTRY INTO TANZANIA

Prohibition
on entry
without
permit
or pass

10. (1) No person to whom this section applies shall enter Tanzania from any place outside Tanzania or remain in Tanzania unless he is in possession of a valid passport and—

- (a) he is the holder of or his name is endorsed upon, a residence permit issued under the provisions of this Act; or
- (b) he is the holder of, or his name is endorsed upon, a pass issued under the provisions of this Act:

Provided that-

G) the Minister may exempt any person or class of persons from the requirement of possessing a passport;

(ii) Where any such permit or pass or endorsement thereon expires or is cancelled and no further permit or pass is issued or endorsement made, the presence in Tanzania of the former holder thereof or of the person whose name is endorsed thereon, as the case may be, shall not be unlawful by reason only of the provisions of this subsection before such date or during such period commencing with such expiry or cancellation, as may be provided for in relation to permits, passes or endorsements, or permits, passes or endorsements of the relevant category, by regulations made under section 28, unless the Minister otherwise directs.

(2) The provisions of paragraphs (a) and (b) of subsection (1) of section 10 shall apply to every person other than-

- (a) the envoy of a foreign sovereign power accredited to Tanzania, and members of his official and domestic staff;
- (b) the chief or other representative of a Commonwealth country in Tanzania, and the members of the official staff and the domestic staff of such a chief or other representative;
- (c) a consular officer or consular employee of a foreign sovereign power appointed to Tanzania and recognized as such by the Government of Tanzania;
- (d) the wife and dependent children of an envoy of a foreign sovereign power accredited to Tanzania, or of the chief or other representative of a Commonwealth country in Tanzania, or of a member of the official staff accompanying such member, or of a consular officer or consular employee of a foreign sovereign power appointed to Tanzania and recognized as such by the Government of Tanzania;
- (e) a person in the service of the Government of Tanzania, or a person in the service of the Community or of a Corporation Within the Community 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 dependent children of such person:

Provided that any person so engaged in the service of the Government of Tanzania, the Community or a Corporation Within the Community on local terms 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 dependent children to his country of origin;

- (f) any other person in respect of whom the Minister has given directions that he shall be exempted from the provisions of this section.

(3) The wife or any dependent child of any person exempted under subsection (2) of this section, 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.

(4) Where-

- (a) any person to whom paragraph (a), (b) or (c) of subsection (2) refers ceases to hold such office;

- (b) any person to whom paragraph (e) of subsection (2) refers ceases to be in the service of the Government, the Community or a Corporation within the Community or, in the case of an employee of the Community or a Corporation within the Community, ceases to be stationed in Tanzania; Or
- (c) the Minister gives directions that any exemption granted under paragraph (f) of subsection (2) is cancelled or withdrawn,

then, on the expiration of one month from such cessation, cancellation or withdrawal, 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), (c) or (e) refers, of his wife and dependent children, shall, unless otherwise authorized under this Act, be unlawful.

Classes of residence permits

11.-(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) Residence permits shall 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 endorsed thereon by the Principal Immigration Officer but so that the total period of the validity of the original permit and of the renewals thereof shall not in any case exceed five years.

(3) The power to issue any class of permit shall be vested in the Principal Immigration Officer:

Provided that he may delegate such power in relation to any class of permits to such immigration officer as he may think fit-

Class "A" residence permit

12.-(1) A person, other than a prohibited immigrant, who intends to enter or remain in Tanzania and engage in trade, business, profession, agriculture, animal husbandry, prospecting of minerals or manufacture may, if the Principal Immigration officer 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 dependent 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 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 herein; and
- (c) the duration of his residence in Tanzania, as may be specified in the permit by the Principal immigration Officer.

13.-(1) A person, other than a prohibited immigrant, who has been offered a specific employment in Tanzania and the Principal Immigration Officer is satisfied that he possesses the qualification or skill necessary for such employment and that his employment will be of benefit to Tanzania, may, if the Principal Immigration Officer, thinks fit, be granted a Class B permit subject to the condition that the employer shall, before entry into Tanzania of such person and his dependents, if any, or before such person being granted such permit, give such security for such purposes as the Principal Immigration Officer may direct.

Class "B"
residence
permit

(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 12, or any other matter, which the Principal Immigration Officer may specify.

14.-(1) A person, other than a prohibited immigrant, who is not granted a Class A or Class B permit may, if the Principal Immigration Officer thinks fit, be granted a Class C permit subject to such condition in respect of matters referred to in paragraphs (a), (b) and (c) of subsection (1) of section 12, or any other matter, as may be specified by the Principal Immigration Officer.

Class "c"
residence
permit

(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 Principal Immigration Officer as aforesaid.

15.-(1) Every residence permit issued under this Act shall be subject to the condition that if at any time the holder thereof is notified by the Principal Immigration Officer that the permit has been cancelled in accordance with subsection (2) the holder shall, within such time as the Principal Immigration Officer may specify, leave Tanzania.

General
conditions
of permits

(2) The Principal Immigration Officer may at any time, if he considers, it in the public interest so to do, by notice in writing given to the holder of a permit, cancel the permit or vary or add to the conditions annexed thereto:

Provided that the cancellation of a permit by the Principal Immigration Officer under this subsection shall be subject to the confirmation by the Minister whose decision shall be final.

16. Any person aggrieved by any decision of the Principal Immigration Officer refusing an application for a residence permit may appeal to the Minister against such decision and the decision of the Minister on any such appeal shall be final and shall, not be subject to review by any court of law.

Appeals

17.-(1) Where a residence permit has been issued to a person and that person-

- (a) ceases to be engaged in the employment, occupation, trade, business or profession specified in the permit; or

Contra-
ven-
tion
of terms
of permits

- (b) engages in any employment, occupation, trade, business or profession other than the employment, occupation, trade, business or profession specified in the permit, whether on full time or part-time basis,

the permit shall thereupon cease to be valid and the presence of such person in Tanzania shall, unless otherwise authorized under this Act, be unlawful.

(2) Where the holder of a residence permit granted in respect of any employment fails or ceases to be employed in such employment, the employer specified in the permit shall, within the period of thirty days from the date on which the holder fails or ceases to be employed in the employment, report in writing to an immigration officer of such failure or cessation.

(3) Any employer who fails to comply with the provisions of this section shall be guilty of an offence.

Employers
to furnish
returns

18.-(1) An immigration officer may by notice in writing require the employer of any person issued with a residence permit to furnish a return of all persons who are in his employment or who were in his employment during such period as may be specified in such notice.

(2) Any employer who fails to furnish such return within thirty days of the service on him by post of the notice or who makes a return which he knows or has reason to believe to be false in any material particular, shall be guilty of an offence.

Effect of
fraud, etc.

19. Any permit, pass, certificate or other authority issued under this Act, and which 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, shall be, and be deemed always to have been, void and of no effect, and the holder thereof shall not be entitled to any protection thereunder.

Non-com-
pliance with
condition

20. Where any person to whom a residence permit has been issued with contravenes or fails to comply with any condition entered in, or annexed to or deemed to have been annexed to, the permit, then without prejudice to any other proceedings which may be taken in respect of such contravention or failure--

- (a) such permit shall expire forthwith; and
- (b) if the security was furnished by way of deposit, such deposit may be forfeited;
- (c) if the security was furnished by way of bond, then the Principal Immigration Officer may sue for and recover the amount secured by the bond.

Surrender
of permits

21.-(1) Where a person who has been issued with one class of residence permit is subsequently granted a permit of another class, he shall surrender such former permit to an immigration officer for cancellation.

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

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

22.-(1) Subject to such conditions as may be prescribed, the Principal Immigration Officer may, on application being made in behalf in the prescribed form by the holder of or the applicant for a residence permit, endorse on such residence permit the name or names of the wife and the dependent children of such holder or applicant accompanying him to Tanzania.

Dependents
of persons
granted
permits

(2) An endorsement made under subsection (1) shall, unless the Minister in any particular case otherwise directs, expire with effect from the expiration of one month (or such further period as the Principal Immigration Officer may on application to him in that behalf in his discretion allow) from the death of the holder of the residence permit or the date when such wife or child ceases to be a dependent of such 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 such wife or, as the case may be, such child, in Tanzania shall, unless otherwise authorized under this Act, thereupon be unlawful.

(3) The wife and dependent children whose names have been endorsed under subsection (1) shall not engage in Tanzania in any employment, occupation, trade, business or profession, unless authorized to do so by the Principal Immigration Officer in the manner prescribed or unless such wife or child is granted a permit authorizing the holder being so employed or engaged.

PART IV

MISCELLANEOUS PROVISIONS

23. Notwithstanding anything in this Act contained, the Minister may, in his absolute discretion, prohibit the entry into or presence within Tanzania of any person (other than a citizen of Tanzania) or any category or class of persons and, for so long as such prohibition remains in force, the entry into or presence within Tanzania of such person or a person belonging to such category or class shall be unlawful.

General
prohibition
by Minister

24.-(1) The Minister may make an order (hereinafter referred to as a deportation order) requiring-

Deportations
order

- (a) any prohibited immigrant (other than a prohibited immigrant who is the holder of a valid pass or other authorization issued to him under the provisions of 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) convicted of an offence against any of the provisions of this Act or any regulations made hereunder; or
- (d) any person (other than a citizen of Tanzania) whose continued presence in Tanzania is, in the opinion of the President undesirable,

to be deported from, and remain out of, Tanzania, either indefinitely or for the period specified in the order.

(2) A deportation order shall be carried into effect in such manner as the Minister may direct.

(3) 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.

(4) 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 such person be detained in custody for any period not exceeding twenty-eight days.

(5) 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.

(6) 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 a sufficient authority for the release of such person from prison for the purpose of his deportation.

Burden
of proof

25. 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 such person is a citizen of Tanzania or that such person's presence in Tanzania is lawful shall lie upon the party contending that such person is a citizen of Tanzania or, as the case may be, that such person's presence in Tanzania is lawful.

Offences

26.-(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, authorization, pass 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 him 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 pass, 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;
- (1) obstructs or impedes any immigration officer in the execution of his duties;
- (g) misleads or attempts to mislead any 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 within Tanzania in contravention of the provisions of this Act;
- (j) being a prohibited immigrant, fails to comply with a lawful requirement of the Principal Immigration Officer 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;
- (1) employs any person who is not a citizen of Tanzania and who has no pass or permit authorizing him to be so employed;
- (in) 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 purpose;
- (n) employs any person, whether or not for profit or other consideration whatsoever, who he knows or has reasonable cause to believe is committing an offence under paragraph (in);
- (o) falsely represents any passport, entry permit, pass, written authority, consent 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; or
- (q) harbours any person who he knows or has reasonable grounds for believing has committed any of the foregoing offences,

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 thirty 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 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 24.

(4) Where any prohibited immigrant enters Tanzania from any vessel, 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 thousand shillings, and, whether or not any prosecution for an offence under this subsection has been commenced, the vessel, aircraft or vehicle may, by order of the court, be detained until provision 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 authorization issued to him under the provisions of this Act authorizing 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 vessel, 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 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 hereunder 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 proceedings 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 purposes of or pursuant to any requirement of this Act or regulations made hereunder, whether or not he has read such declaration, return or statement.

Public
officers
indemnified

27. 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.

28.-(1) The Minister, may make regulations-

- (a) prescribing-
 - (i) 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;
 - (ii) 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 and categories of such passes and the person who may issue the same;
- (b) making provision with regard to the endorsement of passes, the conditions subject to which such endorsements 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 authorized 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 or places at 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 having authority to exercise functions under this Act;
- (h) 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 or determination of the contract of employment concerning, any person other than a citizen of Tanzania employed or to be employed by the employer;
- (i) prescribing the fees, 'if any, to be charged upon application for the grant, issue or renewal of any permit, endorsement or pass;
- (j) making provision with regard to any delegation of powers authorized by this Act;
- (k) 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;
- (l) requiring persons entering or leaving Tanzania to furnish to an immigration officer such information as may be prescribed or required by such officer;
- (m) prescribing the forms to be used for the purposes of this Act;

- (n) 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, qualifications and experience of such persons, and as to schemes for the training of citizens of Tanzania for such employment;
- (o) prescribing anything which is to be or may be prescribed under this Act;
- (p) generally for the better carrying into effect of the purposes of this Act.

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

Exemption **29.** The Minister may, by order published in the *Gazette*, exempt from all or any of the provisions of this Act or regulations made hereunder, subject to such exceptions, limitations, conditions and restrictions specified in such or any subsequent order, any person or class of persons.

Registration of aliens **30.**-(1) The Minister may make regulations for the registration of aliens and prescribing conditions which such aliens shall comply with.

(2) In this section "alien" means a person who is not a citizen of Tanzania or a Commonwealth citizen within the meaning of section 7 of the Citizenship Act, 1961, or a protected person within the meaning of section 2 of the Citizenship Ordinance, 1961 or a citizen of the Republic of Ireland, or of a country to which section 4 or section 4A of the Citizenship Ordinance applies.

Repeal Cap. 534 **31.** The Immigration Act, 1963 is repealed.

Minister may make paving and transitional provisions **32.** The Minister may, before or at any time within three months of the coming into operation of this Act, make, by order published in the *Gazette*, such transitional provisions consequent upon the repeal and replacement of the Immigration Act, 1963 by this Act as he may consider necessary and may provide for the saving of any permit or pass issued under that Act.

Passed in the National Assembly on the eighteenth day of April, 1972.

V, 
 Clerk of the National Assembly