



Highlights of the Immigration (Amendment) *Regulations, 2023*

Overview

The Minister of Home Affairs has published the Immigration (Amendment) Regulations, 2023, through the Government Notice no. 428 of 30th June 2023 to amend the Immigration Regulations of 1997. Besides these amendments, the recent one were in 2016 through the Immigration (Amendment) Regulations, 2016.



Real Estate Buyers can obtain Residence Permits

Introduction of Short-term Residence Permit

Introduction of Interim Pass

Introduction of Issuance status

Recognition of Refugees in employment and investment

Diaspora employees can now obtain Residence Permit

Takeaways

Among many of the new aspects introduced the following are the key amendments worth being aware of:

Real Estate Buyers can obtain Residence Permits

Class C now has thirteen categories (Classes.pdf). Besides the introduction of residence permits for interns, professional artists, and refugees, the captivating category is the residence permit for “buyers of real estate”.

This category gives opportunities for foreigners who purchase real estate properties and wish to reside in the country. The law requires the buyer of real estate to obtain a recommendation letter from either the Tanzania Investment Centre (TIC) or Zanzibar Investment Promotion Authority (ZIPA) together with the proof of purchase value not less than USD 100,000. Moreover, will also need to present a Police Clearance from the country of origin or residence and a Tax clearance certificate.

The above amendment cuts across other laws governing land in Tanzania such as the Land Act as amended from time to time.

This means that implementation of the said permit is subjected to the provisions of the land laws which currently provide that foreigners can only acquire landed properties as investors.

It has to be noted that with the current position of the land laws, one cannot enforce a right over land by using immigration regulations. This means that the land laws should also be modified to accommodate this position. We are hoping that the government will harmonize the land laws with the Immigration laws to ensure a smooth implementation of the respective permit.

Short-term Residence Permits

There was advocacy to have short-term permits from the business communities particularly for expatriates who would be contracted for a period of not more than six months. The government has resolved this matter by introducing permits with a span of six months.

The challenge on is that the same is not harmonized with work permits at the Labour Commissioner's office. The online system for work permits application currently does not provide for this short-term permit. We do hope that with the changes in the immigration regulations, the labour laws will also be amended so as to provide for six-month work permits.

Recognition of Refugees in investment and employment

Classes A, B, and C have been amended to introduce a category of residency permits for refugees as Employers and as Employees.

Now a person who has a refugee status can obtain a residence permit by either being an Investor or an employee in Tanzania.



NOTE: a residence permit for a refugee Investor shall only be approved as long as the investment capital is not below the minimum capital stipulated in the Investment Act i.e. (USD 500,000) or any other laws; while as for a refugee employee, should possess the required qualifications and experience.

Diaspora employees now can obtain Residence Permit status

Diaspora who have employment contracts in Tanzania can now obtain residence permits. Initially, the regulations provided permits for diaspora investors only. With these amendments, diaspora who possess required qualifications & experience can obtain residence permits.



Introduction of Interim Pass

The regulations have introduced a new type of pass which shall be provided to foreigners other than those from the East African Community member states. Foreigners shall apply for this pass while completing other immigration formalities. The duration for this pass shall be 90 days. The dependants of the foreigners are also eligible to be granted an interim pass.

Special Pass

This type of pass was used before to cater to every foreigner regardless of whether from East African Member states or not, however now is categorized under SP-1 and SP-2 which means will be issued only to foreigners from the East African Community Partner states who have secured employment or temporally conducting business, trade, or assignment for a period of not more than 90 days. This pass also allows dependants and may where necessary be extended for another period not exceeding 90 days.

Introduction of Issuing status

Basically, this aspect has been brought to recognize and differentiate new applicants from the existing holders of residence permits. This will enable the practice of uniformity among officers of the Immigration Department when making decisions to grant permits.

Issuing status is categorized based on the nature of applications as here in under:

- **First Grant (FG)** - For the first application;
- **Returnee (RT)** - For an applicant who is re-joining his previous institution/company after more than 3 years of absence;
- **Second Grant (SG)** - For applicants changing from one category of Residence Permit to another e.g. from Class B to Class A in the same Institution/company;
- **Replacement (RPL)** - For the applicant renewing his application after expiration;
- **Re-Grant 1(RG1)** - applicants changing from one institution to another in the same residence class e.g. from Class A to Class A.
- **Re-Grant 2(RG2)** - applicants changing from one institution to another into different residence classes, e.g. from Class B to Class A

Conclusion

Eventually, these amendments are of utmost importance and it is a great move by the government after a long advocacy and emphasis from various groups including business communities.

We are looking forward to seeing that every amendment made in the immigration regulations is supported by the corresponding laws such as land laws and labour laws.



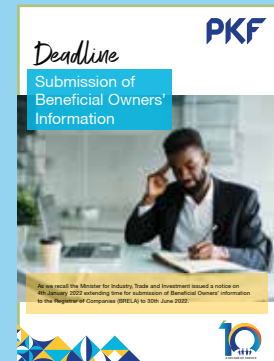
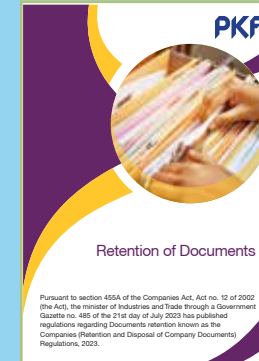
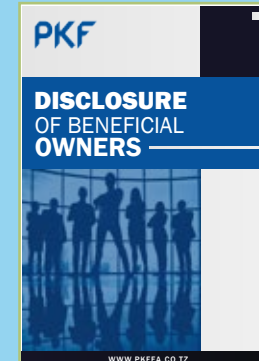
Asma Alhassan
Senior Associate –
Corporate Services
aalhassan@pkfea.co.tz



Florian Mutagwaba
Manager – Corporate Services
fmutagwaba@pkfea.co.tz

PKF TANZANIA

Girl Guides Building, 1st Floor Tower B
Kibasila Street, Upanga
P.O. Box 7323 – 11102,
Dar-es-salaam, Tanzania
Tel: +255 784 520 097,
+255 222 152 501/3/4
E-mail: pkftz@pkfea.co.tz



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