

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 1

22nd May, 2015

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THE NON-CITIZENS (EMPLOYMENT REGULATION) ACT, 2015

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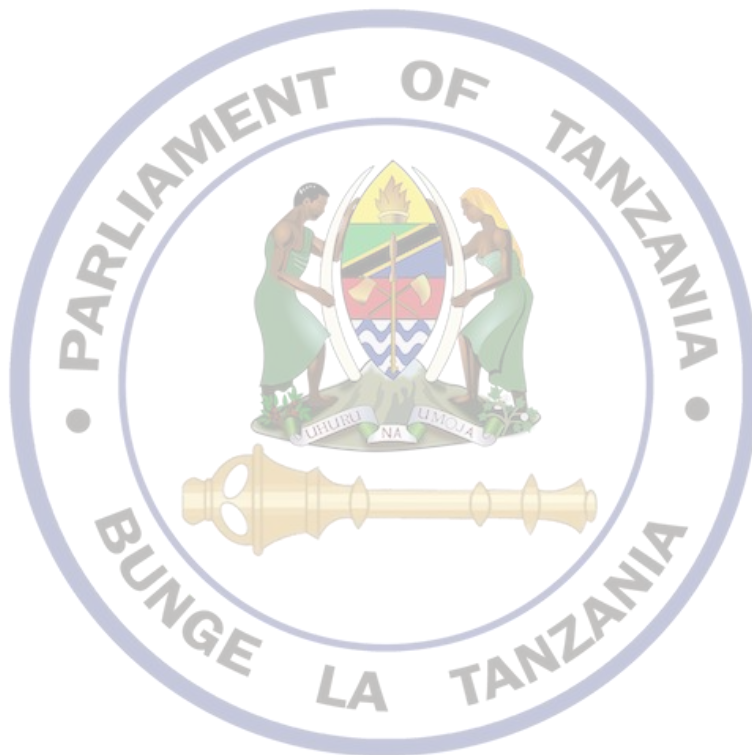
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THE UNITED REPUBLIC OF TANZANIA



NO.1 OF 2015

I ASSENT,

JAKAYA MRISHO KIKWETE
President

25th April, 2015

An Act to regulate and realign the legal regime for employment and engagement in other occupations by non-citizens in Mainland Tanzania and to provide for related matters.

[.....]

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title and commencement

1. This Act may be cited as the Non-Citizens (Employment Regulation) Act, 2015 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Application

2.-(1) This Act shall apply to Mainland Tanzania.
(2) Without prejudice to subsection (1), the provisions of this Act shall not apply to-

- (a) an envoy or other representative of the Government of a foreign states accredited to Tanzania, family members of the official staff and domestic staff of such envoy or representative;
- (b) a consular officer or consular employee of the Government of a foreign States appointed to Tanzania and recognized as such by the Government of Tanzania; and
- (c) any other person exempted by the Minister pursuant to the provisions of this Act.

Interpretations

3. In this Act, unless context otherwise requires-

“authorized officer” means a labour officer, police officer, immigration officer or any other public officer designated as such by the Minister pursuant to this Act;

Cap. 366

“employee” has the same meaning ascribed to it under the Employment and Labour Relations Act;

Cap.366

● “employer” has the same meaning as ascribed under the Employment and Labour Relations Act;

“foreign investors” means:

- (a) in case of a natural person, a person who is not a citizen of the United Republic;
- (b) in case of a company, a company incorporated under the laws of a foreign state or in which more than fifty percent of its shares are held by persons who are not citizen of the United Republic; and
- (c) in case of partnership, a partnership in which the controlling interest is owned by a person who is not a citizen of the United Republic;

Cap. 300

“labour officer” means a labour officer appointed as such in terms of section 43(4) of the Labour Institution Act;

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- Cap. 300 “Labour Commissioner” means the Labour Commissioner appointed in terms of section 43(1) of the Labour Institutions Act;
- “Minister” means the Minister responsible for labour and employment matters;
- Cap. 357 “non-citizen” means a person who is not a Tanzanian pursuant to the Citizenship Act;
- “prescribed profession” includes medical and health care professionals, experts in oil and gas and teachers and university lecturers in science and mathematics;
- “Register” means the Work Permit Register established under section 8;
- “self-employed person” means a person who is engaged in an economic activity not under any contract of employment or under supervision and who earns a living through such activity;
- “work permit” means a permit issued by the Labour Commissioner pursuant to this Act.

PART II
ADMINISTRATIVE PROVISIONS

Roles and powers of the Minister

4.-(1) The Minister shall, subject to the provisions of this Act, be the authority in all matters relating to employment and engagement of non-citizens.

(2) For the purpose of subsection (1), and subject to the provisions of this Act, the Minister may give directives of a general or specific nature to the Labour Commissioner or any authorized officer as to the exercise of any power or the performance of any function conferred or imposed on him by this Act.

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(3) Every person to whom directions have been given by the Minister under subsection (1) shall comply with such directions.

(4) The Minister may, subject to the prescribed regulations, exempt any person or class of persons from the application of the provisions of this Act.

(5) The regulations made under subsection (4) shall prescribe the procedure and grounds for granting exemptions.

(6) A person exempted pursuant subsection (4) shall be issued with a certificate of exemption in a form set out in the Fourth Schedule to this Act.

(7) The Minister shall, by notice published in the Gazette, declare the type and classification of employment or other occupation in which a non-citizen may be employed or engaged.

(8) A work permit or certificate of exemption shall not be issued for employment or engagement in any occupation other than in the employment and occupation declared under subsection (7).

Functions and powers of the Labour Commissioner

5.-(1) The Labour Commissioner shall be responsible for the implementation of the provisions of this Act; and for that purpose, the functions of the Labour Commissioner shall be to-

- (a) advise the Minister on all matters relating to employment of non-citizens;
- (b) receive, process applications for and issue work permits pursuant to the provisions of this Act;
- (c) receive and process applications for exemptions and advise the Minister accordingly;
- (d) keep and maintain a Register of records for work permits and exemptions established under section 8; and
- (e) perform any other function as may be assigned to him by the Minister subject to the provisions of this Act.

(2) For the effective discharge of his functions under this Act, the Labour Commissioner shall have powers to-

- (a) issue, vary, renew or cancel any work permit issued under this Act;
- (b) subject to the provisions of this Act, reject any application for work permit; and
- (c) perform any act for the better carrying out of his functions under this Act.

(3) Notwithstanding the provisions of any written law, the Labour Commissioner shall be the authority responsible for issuing of work permits in Mainland Tanzania.

(4) The Labour Commissioner may delegate any of his functions or powers to any public institution or person and such public institution or person shall perform such functions or exercise such powers as if they were performed or exercised by the Labour Commissioner.

(5) Notwithstanding the delegation of functions or powers under subsection (4), the Labour Commissioner may, where he deems necessary, perform or exercise any of the functions or powers, as the case may, so delegated and such performance shall not be construed as illegal.

Authorized
officers

6.-(1) For the purpose of this Act, labour officers, police officers and immigration officers are hereby designated authorized officers and shall exercise powers and discharge duties conferred to the authorized officer under this Act.

(2) Notwithstanding subsection (1), the Minister may, in consultation with the Labour Commissioner, designate any public officer to be authorized officer for the purposes of this Act.

(3) An authorized officer may require the holder of a work permit or certificate of exemption or any person claiming to be the holder of such a permit or certificate-

- (a) to produce it for examination by the authorized officer at such time and place as the officer making the requirement shall specify; or
- (b) to present himself to an authorized officer for examination at such time and place as the officer making the requirement shall specify;

(4) Any person who has been required under subsection (3) to submit a work permit or certificate of exemption or present himself to an authorized officer for examination shall answer truthfully and to the best of his knowledge every question put to him by the authorized officer.

(5) Any person who, without reasonable cause, fails to comply with a requirement under subsections (3) and (4) commits an offence and shall, on conviction, be liable to a fine not less than shillings five million or to imprisonment for a term not less than six months or to both.

Succession
plan

7.-(1) Any person who intends to employ or engage a non-citizen in an employment or any other occupation, as the case may be, shall prepare a succession plan which shall, among other things, set out-

- (a) a well-articulated plan for succession of the non-citizen's knowledge or expertise to the citizens during his tenure of employment; and
- (b) any other information as may be directed by the Labour Commissioner.

(2) Any person who employs or engages in an employment or any other occupation a non-citizen shall be required to establish effective training programme to produce local employees to undertake duties of the non-citizen expert.

Work
Permit
Register

8.-(1) There shall be a register to be known as the Work Permit Register to be kept and maintained by the Labour Commissioner into which shall be recorded information relating to work permit and certificate of exemptions and such other information as the Labour Commissioner may deem necessary.

(2) A person may, upon payment of prescribed fee, and within specified time, peruse the register and make copies from the register.

PART III
REGULATION OF EMPLOYMENT OF NON-CITIZENS

Employment, and engagement of non-citizens

9.-(1) A non-citizen shall not engage in any occupation for reward, profit or non-profit unless he-

- (a) has a valid work permit that allows that person to engage in the occupation specified in the valid work permit; or
- (b) is the holder of a valid certificate of exemption issued to him under this Act.

(2) A person shall not employ, engage or cause to be employed or engaged in any occupation a non-citizen unless-

- (a) the non-citizen has a valid work permit that allows that person to be employed in the occupation specified in the valid work permit; or
- (b) the non-citizen has a valid certificate of exemption issued to him under this Act.

(3) Any person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than two years or **to** both.

Application
for work
permit

10.-(1) Any person who wishes to employ or engage a non-citizen in any occupation shall apply for a work permit to the Labour Commissioner prior to entry by that non-citizen.

(2) An application under subsection (1), shall be made in a form set out in the First Schedule to this Act, and shall be accompanied by-

(a) a fee prescribed in the Sixth Schedule to this Act; and

(b) relevant documents specified in the Second Schedule to this Act.

(3) A non-citizen employed or engaged in any occupation pursuant to this Act shall possess qualifications, knowledge and skills requisite for the performance of the job for which the work permit is issued.

Consideration
of
application

11.-(1) The Labour Commissioner shall, on receipt of the application for work permit, consider it and may, if satisfied that-

(a) the application complies with the provisions of this Act, issue a work permit; or

(b) the application does not comply with the provisions of this Act, refuse to issue a work permit,

and shall immediately, in any case, inform the applicant in writing of his decision and reasons to that effect.

(2) The Labour Commissioner shall, before approving an application for a work permit, satisfy himself that all possible efforts have been explored to obtain a local expert.

(3) The Labour Commissioner may, summon the person who lodged the application for examination, at such time and place as he may specify.

(4) Any person who summoned for examination shall for the best of his knowledge answer any question put to him.

(5) The Labour Commissioner shall, when considering application for a work permit take into account of the regional and bilateral agreements which the United Republic is a signatory.

Work
permit

12.-(1) A work permit issued under section 11 shall be in a form set out in the Third Schedule to this Act and may be accompanied with conditions.

(2) Breach of any conditions attached to a work permit shall have the same effect as the contravention of any of the provisions of this Act.

(3) A work permit issued under this Act shall not be transferable and shall be valid only for the purpose for which it was issued.

(4) Unless earlier cancelled, a work permit shall be valid for a period of twenty four months from the date of issue and may, subject to the provisions of this Act, be renewed provided that the total period of validity of the first grant and its renewals shall not, in any case, exceed five years.

(5) Notwithstanding the provisions of subsection (4), the total period of validity of a work permit of an investor whose contribution to the economy or the wellbeing of Tanzanians through investment is of great value, may exceed ten years.

(6) The provisions of sections 9 and 10 shall apply *mutatis mutandis* in relation to the renewal of work permit.

Categories of work permit

13.-(1) There shall be five categories of work permits as follows:

- (a) Class A which shall be issued to a foreign investor who is a self-employed;
- (b) Class B which shall be issued to a non-citizen who is in possession of a prescribed profession;
- (c) Class C which shall be issued to a non-citizen who is in possession of such other profession;
- (d) Class D which shall be issued to a non-citizen employed or engaged in a registered religious and charitable activities; and
- (e) Class E which shall be issued to refugees.

(2) Prescription of a work permit fee shall take into consideration the class of a work permit applied for.

(3) Where a person issued with a permit of one class of work permit is subsequently granted a permit of another class, he shall surrender the former permit to the Labour Commissioner for cancellation.

Cancellation of work permit

14.-(1) The Labour Commissioner may cancel a work permit if -

- (a) the holder fails without reasonable cause, to comply with conditions prescribed in the work permit;
- (b) the holder ceases to engage in the employment or occupation for which such permit was issued for;
- (c) it has come to the knowledge of the Labour Commissioner that there was a misrepresentation of information in the application by the permit holder; or
- (d) in the opinion of the Labour Commissioner, the presence of the work permit holder in the United Republic jeopardizes public interest.

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(2) The Labour Commissioner shall, after cancelling a work permit in accordance with subsection (1), notify the principal Commissioner for Immigration of the cancellation.

Lost and
Stolen work
permit,
certificate of
exemption

15.-(1) Where a work permit or certificate of exemption is lost, stolen or severely damaged, the permit or certificate holder shall apply for replacement to the Labour Commissioner.

(2) The application under subsection (1), shall be accompanied by-

- (a) a prescribed fee;
- (b) sworn declaration as to the circumstances surrounding the loss, theft or damage of the permit or certificate; and
- (c) certification from the authority to whom the loss, theft or damage was reported.

Returns

16.-(1) Every person who employs or engages a non-citizen in any occupation shall, on every 30th June and 31st December of every year, submit to the Labour Commissioner returns on employment of non-citizens so employed or engaged in a form prescribed in the Fifth Schedule to this Act.

(2) Notwithstanding subsection (1), in event the term of employment of a non-citizen ceases earlier than the six months of returns, the employer shall immediately report the cessation to the Labour Commissioner.

Surrender of
work permit

17.-(1) The work permit or certificate of exemption, as the case may be, issued under this Act shall be in the name of the United Republic and remain the property of the Government of the United Republic.

(2) A work permit or certificate of exemption, as the case may be, shall be kept by the person to whom it is issued and shall on demand be produced.

(3) Where the holder of a work permit or certificate of exemption is about to leave the United Republic, he shall within fourteen days before the day of his departure, surrender the permit or certificate to the Labour Commissioner who shall dispose of the same in such manner prescribed in the regulations.

(4) Any person who, without reasonable cause, contravenes provisions of this section commits an offence and shall, on conviction, be liable to a fine not less than ten million shillings or to imprisonment for a term not less than twelve months, or both.

PART IV
GENERAL PROVISIONS

Appeals

18.-(1) A person aggrieved by the decision of the Labour Commissioner to refuse to grant or cancel a work permit may, within thirty days from the date of decision, appeal to the Minister.

(2) Subject to the provisions of subsection (1), the Minister after considering the appeal may confirm or vary the decision of the Labour Commissioner.

Incentives to certified investors

Cap. 38
Cap. 373
Cap. 420

19.-(1) Subject to this Act, any person who is granted incentives pursuant to the Tanzania Investment Act, the Special Economic Zones Act, and the Export Processing Zones Act, shall continue to be entitled to an initial automatic immigrant quota of up to five persons during the start-up period of the investment.

(2) Subject to subsection (1), the Tanzania Investment Centre and the Export Processing Zones Authority shall make an application for any person in addition to immigrant quota to the Labour Commissioner.

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(3) Subject to subsection (2), the Labour Commissioner, may authorise any 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.

Offences and penalties

20. A person who-

- (a) furnishes false information for the purpose of procuring a work permit or certificate of exemption knowing that, the information is false;
- (b) obtains or attempts to obtains any document by means of fraud, false pretence or by presenting or submitting a false or forged document;
- (c) obstructs or hinders a labour officer or any other authorized officer in the execution of his duty under this Act; and
- (d) contravenes any condition attached to the work permit,

commits an offence and shall, on conviction, be liable to a fine not less than ten million shillings or imprisonment for a term not less than twelve months or to both.

Powers to inspect

21. It shall be lawful for the labour officer to enter and inspect any place of employment, call for, examine and record all documents relating to employment for the purposes of ensuring compliance with the provisions of this Act.

Powers to make Regulations

22.-(1) The Minister may make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, the Minister may make regulations-

- (a) prescribing for the form and modality of maintenance of the Register;
- (b) prescribing for the procedure and grounds for issuance of exemption from the application of the provision of this Act
- (c) prescribing for the procedure for returns with regard to any person to whom or in respect of whom a permit has been issued contents of the returns;
- (d) prescribing for the information to be given by an employer or prospective employer in relation to-
 - (i) the arrival or expected arrival in Tanzania;
 - (ii) the taking up or failure to take up employment by;
 - (iii) the dismissal from the employment of; and
 - (iv) the expiration of termination of contract of employment concerning any person other than a citizen of Tanzania employed or to be employed by the employer and anything which may be prescribed under the provisions of this Act.

Powers to amend Schedules

23. The Minister may, by order published in the *Gazette*, amend the Schedules to this Act.

Conflict of laws

24. In case of conflict between this Act and any other written law providing for issuance of work permit, the provision of this Act shall prevail to the extent of the inconsistency.

PART V CONSEQUENTIAL AMENDMENTS

Amendment of the Education Act Cap. 353

25. The Education Act is amended in section 46 by inserting the phrase “subject to the provisions of the Non-Citizens (Employment Regulation) Act” between the words “may” and “authorize” appearing in subsection (5).

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Amendment
of the Export
Processing
Zones Act.
Cap. 373

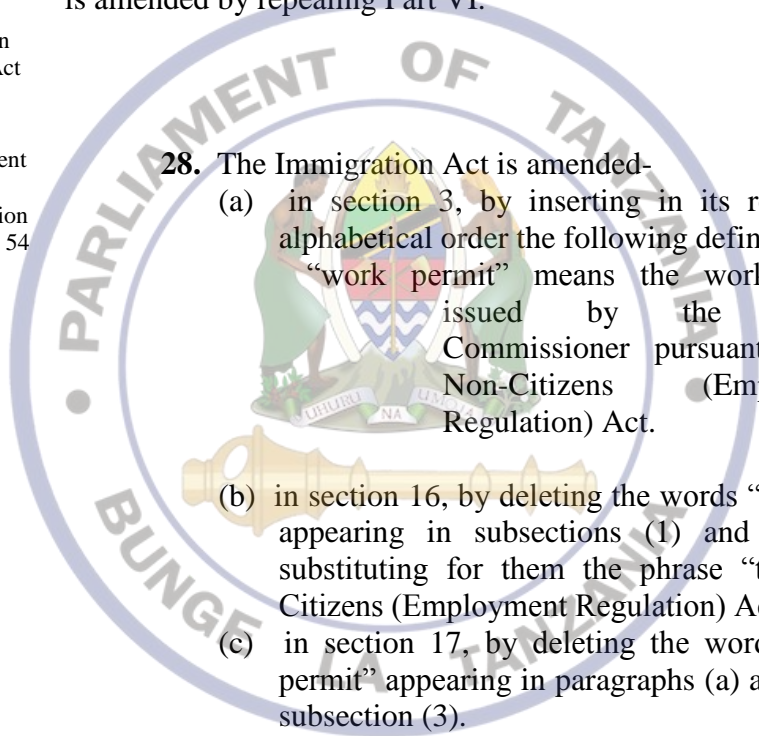
26. The Export Processing Zones Act is amended in section 21, by adding the phrase “and the work permit in accordance with the Non-Citizens (Employment Regulation) Act” immediately after the figure “1995” appearing subsection (1)(h).

Amendment
of the
National
Promotion
Service Act
Cap. 243

27. The National Employment Promotion Service Act is amended by repealing Part VI.

Amendment
of the
Immigration
Act. Cap. 54

- 28.** The Immigration Act is amended-
- (a) in section 3, by inserting in its respective alphabetical order the following definition:
 “work permit” means the work permit issued by the Labour Commissioner pursuant to the Non-Citizens (Employment Regulation) Act.
 - (b) in section 16, by deleting the words “this Act” appearing in subsections (1) and (2) and substituting for them the phrase “the Non-Citizens (Employment Regulation) Act”;
 - (c) in section 17, by deleting the words “work permit” appearing in paragraphs (a) and (b) of subsection (3).
 - (d) in section 19, by-
 - (i) adding immediately after the word “fit” the phrase “after taking into consideration the conditions of the work permit issued by the Labour Commissioner to that effect”;



- (ii) deleting the phrase “if the Director thinks that that person's contribution is still valuable and in demand” and substituting for it the phrase “the Director after taking into consideration conditions of the work permit issued by the Labour Commissioner to that effect”.
- (e) in section 20, by adding immediately after the word “fit” the phrase “after taking into consideration conditions of the work permit issued by the Labour Commissioner to that effect”.

Amendment
of the
Refugees
Act
Cap. 37

29. The Refugees Act is amended in section 32 by adding immediately after subsection (4), the following new subsection:

“(5) The Director shall, on every 30th of June and 31st of December of each year submit to the Labour Commissioner a return on employment status of refugees in a manner prescribed in the regulations.”

Amendment
of the
Special
Economic
Zones Act
Cap. 420

30. The Special Economic Zones Act is amended in section 40, by adding the phrase “and the work permit in accordance with the Non-Citizens (Employment Regulation) Act” immediately after the figure “1995” appearing in subsection (1)(h).

Amendment
of the
Tanzania
Investment
Act
Cap. 38

31. The Tanzania Investment Act is amended in section 24, by adding immediately after the phrase “Immigration Department” appearing in subsection (2) the phrase “and the Labour Commissioner”.

FIRST SCHEDULE

(Made under section 10(2))

THE UNITED REPUBLIC OF TANZANIA

APPLICATION FOR WORK PERMIT

(Made under section 10(2))

PART I - PARTICULARS OF APPLICANT

Affix
passport
size photo

I HEREBY APPLY FOR FIRST GRANT/RENEWAL OF WORK PERMIT CLASS.....

1. Full name: Mr./Mrs./Miss First Name..... Middle Name(s).....Surname.....
2. Marital Status.....
3. Home Address.....
4. Date of Birth

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5. Place of Birth
6. Nationality
7. Passport Number Date of issue Place of issue..... Expiry.....
8. Address while in Tanzania.....
9. Academic qualifications held.....
10. Experience/Skills
11. Job title
12. Job Description (Give a brief descriptions of duties in relation to this post).....
13. For self-employed applicants (state specifically the type of business to be carried on).....
14. Place of Work in Tanzania: Region. District..... Street Plot No. House No.
15. Criminal record if any.....
16. Particulars of any previous application for work permit in Tanzania whether granted/ refused

DECLARATION

I.....THE APPLICANT,
HEREBY DECLARE THAT THE INFORMATION STATED HEREIN
ABOVE IS CORRECT TO THE BEST OF MY KNOWLEDGE
DateSignature of Applicant

PART II-PARTICULARS OF EMPLOYER-

17. Name of Employer.....
18. Physical address Region District Street
Plot No House No.....
19. Nature of Industry.....
20. Total number of employees.....
- (a) Citizens..... Male Female
- (b) Non-Citizens..... Male Female.....
- Date Signature and Official Stamp of
Employer

PART IV-(FOR OFFICIAL USE ONLY):

21. Decision of the Labour Commissioner.....
.....
.....
22. Date Signature of the Labour Commissioner.....

—————
SECOND SCHEDULE

—————
(Made under section 10(2)(b))
—————

DOCUMENTS ACCOMPANYING AN APPLICATION FOR WORK PERMIT

(Made under section 10(2))

1. Contract of employment duly signed by employer and employee.
2. Job description.
3. Curriculum Vitae of the employee.
4. Two recent passport size photos of the applicant.
5. Certification from respective professional bodies that regulate the post for which a work permit is sought (Such professions include but not limited to accountants & auditors, engineers, surveyors, medical doctors, nurses, pilots, teachers, gaming, procurement, hunting, insurance and banking).
6. Academic/professional certificates.
7. Certified translation in authorised Kiswahili or English certificates /documents if they are in other languages than English / Swahili.
8. Photo copy of passport.
9. Previous work permit (for renewal application).
10. Business license.
11. Tax Identification Number (TIN).
12. Value Added Tax (VAT).
13. Memorandum & Articles of Association.
14. Succession plan, in the case of employment;
15. Other information as may be required by the Labour Commissioner.

NB. All copies for attachments must be certified.

THIRD SCHEDULE

(Made under section 12)

THE UNITED REPUBLIC OF TANZANIA



Ref. No.

Photo

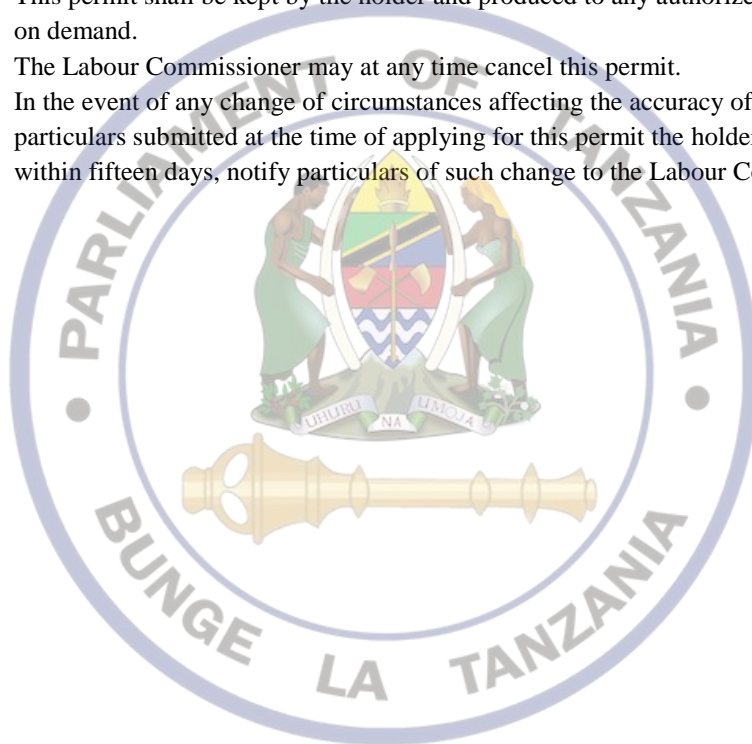
Pursuant to the powers conferred upon me under section 11(1)(a) of this Act, I hereby
Authorize Mr/Mrs/Miss/Ms.
of nationality and holder of passport No. to
engage in the occupation of/take up employment as in
Tanzania with in
This Permit shall be valid for the period of with effect from to
..... subject to the conditions specified overleaf .

Date

.....
Labour Commissioner

CONDITIONS


- (1) This permit is personal to the holder and is not transferable.
- (2) The holder is not permitted to seek or accept alternative employment while in Tanzania or to engage in any occupation other than the one authorized by this permit.
- (3) This permit shall be kept by the holder and produced to any authorized person on demand.
- (4) The Labour Commissioner may at any time cancel this permit.
- (5) In the event of any change of circumstances affecting the accuracy of particulars submitted at the time of applying for this permit the holder shall, within fifteen days, notify particulars of such change to the Labour Commissioner.



—————
FOURTH SCHEDULE

—————
(Made under section 16)
—————

THE UNITED REPUBLIC OF TANZANIA



CERTIFICATE OF EXEMPTION
(Made under section 4(5))

Photo

Pursuant to the powers conferred upon me under section 4(5) of this Act, I hereby exempt
Mr. / Mrs./ Miss..... of M/s.....
from the application of section of the Non- Citizens
(Employment Regulation) Act.

Date

.....
Minister of Labour and Employment

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FIFTH SCHEDULE

(Made under section 16))

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF LABOUR AND EMPLOYMENT



RETURN ON EMPLOYMENT OF NON-CITIZENS

(Made Under Section 16)

NOTE: This form is to be duly completed in duplicate and submitted to – The Labour Commissioner, P. O. Box 1422, DAR ES SALAAM. between 30th June and 31st December of every year.

Report for the period ending 30th June, 20...../31st December, 20.....
(Delete as appropriate)

PART I- PARTICULARS OF THE EMPLOYER

1. Name of Employer
2. Physical address Region District street
Plot No House No.
3. Nature of Industry.....

No.1 *Non-Citizens (Employment Regulation)* **2015** 27

4. Total number of employees.

(a) Citizens.....MaleFemale

(b) Non-Citizens..... Male Female.....

PART II- PARTICULARS OF NON-CITIZENS EMPLOYED BY COMPANY

Ref.	Employee's name	Sex	Nationality	Job Title	Date of issue of the permit	Expiry Date of the permit

**PART III
PARTICULARS OF NON-CITIZENS LEAVING THE COMPANY AND
SUCCEEDING LOCAL EMPLOYEES**

Ref.	Name	Sex	Nationality	Job Title	Date of Issue of the permit	Expiry date of the permit	Local Employee succeeding Non-Citizen

DateSignature and Official Stamp of Employer.....

SIXTH SCHEDULE

(Made under sections 10(2))

WORK PERMIT AND REGISTER INSPECTION FEE

CLASS	ITEM	FEE (USD)
A	Investors and Self employed	1,000
B	Non-citizen in possession of prescribed professions	500
C	Non-citizen in possession of other professions	1,000
D	Non-citizen employed or engaged in approved religious and charitable activities	500
E	Refugees	Gratis

(a) Work Permit Register Inspection Fee:- USD 50

Passed in the National Assembly on the 18th March, 2015.

THOMAS D. KASHILILA
Clerk of the National Assembly

SHERIA YA KURATIBU AJIRA ZA WAGENI NCHINI, 2015

MPANGILIO WA VIFUNGU

Kifungu Kichwa cha habari

SEHEMU YA KWANZA
MASHARTI YA UTANGULIZI

1. Jina la Sheria.
2. Matumizi.
3. Tafsiri.

SEHEMU YA PILI
USIMAMIZI WA SHERIA

4. Wajibu na mamlaka ya Waziri.
5. Kazi na mamlaka ya Kamishna wa Kazi.
6. Maafisa walioidhinishwa.
7. Mpango wa urithishaji.
8. Rejesta ya Vibali vya Ajira.

SEHEMU YA TATU
URATIBU WA AJIRA ZA WAGENI

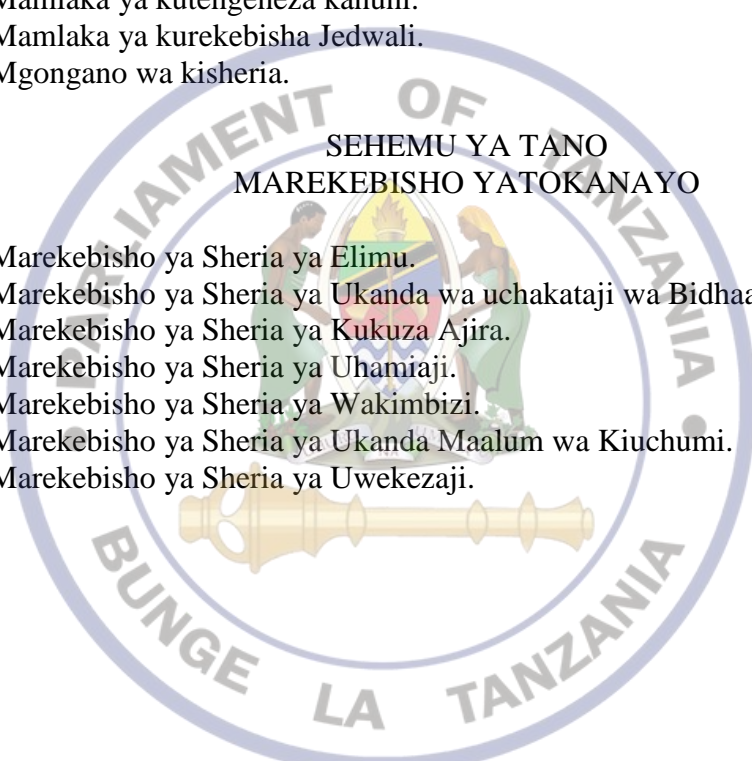
9. Ajira na shughuli za wageni.
10. Maombi ya kibali cha ajira.
11. Kushughulikia maombi.
12. Kibali cha ajira.
13. Aina ya vibali vya ajira.
14. Ufutaji wa kibali cha ajira.
15. Kupotea au kuibiwa kwa kibali cha ajira.
16. Taarifa.
17. Usalimishaji wa kibali cha ajira.

SEHEMU YA NNE
MASHARTI YA UJUMLA

18. Rufaa.
19. Vivuko kwa wawekezaji.
20. Makosa na adhabu.
21. Mamlaka ya kukagua.
22. Mamlaka ya kutengeneza kanuni.
23. Mamlaka ya kurekebisha Jedwali.
24. Mgongano wa kisheria.

SEHEMU YA TANO
MAREKEBISHO YATOKANAYO

25. Marekebisho ya Sheria ya Elimu.
26. Marekebisho ya Sheria ya Ukanda wa uchakataji wa Bidhaa za Nje.
27. Marekebisho ya Sheria ya Kukuza Ajira.
28. Marekebisho ya Sheria ya Uhamiaji.
29. Marekebisho ya Sheria ya Wakimbizi.
30. Marekebisho ya Sheria ya Ukanda Maalum wa Kiuchumi.
31. Marekebisho ya Sheria ya Uwekezaji.



JAMHURI YA MUUNGANO WA TANZANIA



NA.1 YA 2015

NAKUBALI,

JAKAYA MRISHO KIKWETE

Rais

25 Aprili, 2015

Sheria ya Kudhibiti na kuonisha mfumo wa kisheria wa ajira nashughuli nyingine zinazofanywazo na wageni ndani ya Tanzania Bara; na kuweka masharti mengineyo.

[.....]

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA
MASHARTI YA UTANGULIZI

Jinai na
tarehe ya
kuanza
kutumika

1. Sheria hii itaitwa Sheria ya Kuratibu Ajira za Wageni ya mwaka, 2015 na itanza kutumika kuanzia tarehe itakayotangazwa na Waziri katika *Gazeti* la Serikali.

Matumizi

2.-(1) Sheria hii itatumika Tanzania Bara.
(2) Bila kuathiri masharti ya jumla ya kifungu kidogo cha (1), Sheria hii haitawahusu wafuatao-
(a) mjumbe wa kibalozi au mwakilishi mwingine wa Serikali ya nchi nyingine ya kigeni iliyoidhinishwa na Tanzania, wanafamilia wa watumishi hao, watumishi wa nyumbani wa mjumbe huyo au mwakilishi; na

33 **No.1** *Sheria ya Kuratibu Ajira za Wageni* **2015**

- (b) afisa wa ubalozi au mfanyakazi wa ubalozi wa Serikali ya nchi nyingine aliyeteuliwa kuiwakilisha nchi yake Tanzania na anayetambuliwa hivyo na Serikali ya Tanzania;
- (c) mtu mwingine yeyote ambaye Waziri atakuwa ametoa maelekezo kwamba hatahusika kwa mujibu wa Sheria hii.

Tafsiri

3. Katika Sheria hii, isipokuwa kama muktadha utahitaji vinginevyo:

“afisa muidhiniwa” maana yake ni afisa kazi, afisa wa polisi, afisa uhamiaji na afisa yeyote wa umma atakayeteuliwa na Waziri kwa mujibu wa Sheria hii;

Sura. 366 “mwajiriwa” ina maana sawa na ile iliyopo katika Sheria ya Ajira na Mahusiano Kazini;

“mwajiri” ina maana sawa na ile iliyopo katika Sheria ya Ajira na Mahusiano Kazini;

Sura.366
Sura. 300

“afisa kazi” maana yake ni afisa kazi aliyeteuliwa kwa mujibu wa kifungu cha 43(4) cha Sheria ya Taasisi za Kazi;

“Kamishna wa Kazi” maana yake ni Kamishna wa Kazi aliyeteuliwa kwa mujibu wa kifungu cha 43(1) cha Sheria ya Taasisi za Kazi;

Sura300

“Waziri ” maana yake ni Waziri mwenye dhamana na masuala ya kazi na ajira;

Sura54

“mtu asiye raia” maana yake ni mtu ambaye si Mtanzania kwa mujibu wa Sheria ya Uraia;

“rejesta” mana yake ni Rejesta ya Vibali vya Ajira iliyoanzishwa kwa mujibu wa kifungu cha 8;

“taaluma zilizoainishwa” zinajumuisha udaktari na taaluma zinazohusiana na masuala ya afya, wataalama katika mafuta na gesi, walimu na wahadiri wa vyuo vikuu katika masomo ya sayansi na hesabu;

“mtu aliyejajiri mwenyewe” maana yake ni mtu anayejishughulisha na shughuli za kiuchumi bila kuwa chini ya mkataba wa ajira au chini ya usimamizi na ambaye anajikimu kupitia shughuli hiyo;

“kibali cha ajira” maana yake ni kibali kilichotolewa na Kamishna wa kazi kwa mujibu wa Sheria hii.

SEHEMU YA PILI
USIMAMIZI WA SHERIA

Wajibu na
mamlaka ya
Waziri

4.-(1) Kwa kuzingatia masharti ya Sheria hii, Waziri ndiye atakuwa na mamlaka juu ya masuala yote yanayohusu ajira za wageni.

(2) Kwa madhumuni ya kifungu kidogo cha (1), na kwa kuzingatia masharti ya Sheria hii, Waziri anaweza kutoa maelekezo ya ujumla au mahsusi kwa Kamishna wa Kazi au afisa yeyote muidhiniwa kuhusu utekelezaji wa mamlaka yoyote au utendaji wa majukumu yake aliyopewa chini ya Sheria hii.

(3) Mtu yeyote atakayepewa maelekezo na Waziri chini ya kifungu cha (1) atatekeleza maelekezo hayo.

(4) Waziri anaweza, kwa kuzingatia kanuni zitakazotungwa, kumsamehe mtu yeyote au kikundi cha watu kutobanwa na masharti ya Sheria hii.

(5) Kanuni zitakazotungwa kwa mujibu wa kifungu kidogo cha (4) zitaainisha utaratibu na vigezo vya kutoa msamaha.

(6) Mtu aliyesamehewa kwa mujibu wa kifungu kidogo cha (4) atapewa cheti cha msamaha kwa namna inavyooneshwa kwenye Jedwali la Nne la Sheria hii.

(7) Waziri anaweza, kwa tangazo la Serikali, kutangaza katika Gazeti la Serikali aina za ajira au shughuli nyingine ambazo mtu asiye raia anaweza kuajiriwa au kujijiri.

(8) Kibali cha ajira hakitolewa kwa ajira au shughuli yoyote isipokuwa tu kwa ajira na shughuli tajwa katika kifungu kidogo cha (7).

Kazi na
mamlaka ya
Kamishna
wa Kazi

5.-(1) Kamishna wa Kazi atakuwa kuwa na wajibu wa usimamizi wa utekelezaji wa Sheria hii; na kwa madhumuni hayo, kazi za Kamishna wa Kazi zitakuwa ni-

- (a) kumshauri Waziri kuhusu masuala yote yanayohusu ajira za wageni;
- (b) kupokea, kushughulikia maombi na kutoa vibali vya ajira kwa mujibu wa Sheria hii;
- (c) kupokea na kushughulikia maombi ya misamaha na kumshauri Waziri ipasavyo;

- (d) kuhifadhi na kutunza Regista ya kumbukumbu za vibali vya ajira na misamaha iliyoanzishwa chini ya kifungu cha 8;
- (e) kufanya kazi nyingine yoyote atakayopangiwa na Waziri kwa kuzingatia Sheria hii.

(2) Kwa ajili ya utekelezaji bora wa majukumu yake chini ya Sheria hii, Kamishna wa Kazi atakuwa na mamlaka ya-

- (a) kutoa, kurekebisha, kurejea au kufuta kibali chochote cha ajira kilichotolewa chini ya Sheria hii;
- (b) kwa kuzingatia masharti ya Sheria hii, kukataa maombi yoyote ya kibali cha ajira; na
- (c) kufanya chochote kile kwa ajili ya utekelezaji bora wa majukumu yake chini ya Sheria hii.

(3) Bila ya kujali masharti ya sheria nyingine yoyote, Kamishna wa Kazi atakuwa ndiye mamlaka ya utoaji wa vibali vya ajira Tanzania Bara.

(4) Kamishna wa Kazi anaweza kukasimu majukumu na mamlaka yake kwa mtu au taasisi yoyote ya umma na mtu huyo au taasisi hiyo itafanya kazi au kutekeleza mamlaka hayo kana kwamba yametekelezwa au kufanywa na Kamishna wa Kazi.

(5) Bila ya kujali ukasimishaji wa kazi na mamlaka yake chini ya kifungu kidogo cha (4), Kamishna wa Kazi anaweza kutekeleza majukumu aliyoyakasimisha pale atakapoona inafaa na utendaji huo hautakuwa ni kinyume cha sheria.

Maafisa
Walioidhini-
shwa

6.-(1) Kwa madhumuni ya Sheria hii, afisa kazi, afisa wa polisi na afisa uhamiaji watakuwa ni maafisa waidhiniwa na watatumia mamlaka na kutekeleza majukumu aliyopewa afisa aliyeidhinishwa chini ya Sherii hii.

(2) Bila ya kujali kifungu kidogo cha (1), Waziri kwa kushauriana na Kamishna wa Kazi anaweza kumteua afisa yeyote wa umma kuwa afisa muidhiniwa chini ya Sheria hii.

(3) Afisa muidhiniwa anaweza kumtaka mwenye kibali cha ajira au cheti cha msamaha au mtu yeyote anayedai kuwa ni mwenye kibali au cheti hicho-

- (a) kukikabidhi kibali au hcheti hicho kwa afisa husika kwa ajili ya uchunguzi kwa muda na mahali ambapo afisa ataelekeza;
- (b) kufika mbele ya afisa muidhiniwa kwa kwa ajili ya ukaguzi kwa muda na mahali ambapo afisa huyo ataelekeza.

(4) Mtu yeyote anayeamriwa chini ya kifungu kidogo cha (3) kuwasilisha kibali cha ajira, cheti cha msamaha au yeye mwenyewe kufika mbele ya afisa muidhiniwa hana budi kujibu kwa ukweli na kwa ufahamu wake kila swali atakaloulizwa na afisa muidhiniwa.

(5) Mtu yeyote ambaye bila sababu za msingi atashindwa kutekeleza masharti chini ya kifungu kidogo cha (3) atakuwa ametenda kosa na akipatikana na hatia atawajibika kulipa faini isiyozidi shilingi milioni tano au kutumikia kifungu kwa kipindi cha miezi isiyozidi sita au vyote kwa pamoja.

Mpango wa urithishaji

7.-(1) Mtu yeyote anayekusudia kumuajiri au kumshughulisha mtu asiye raia katika ajira yoyote hana budi kutayarisha mpango wa urithishaji ambao pamoja na mambo mengine utajumuisha-

(a) mpango mahsusi utakaobainisha vyema namna ya kumrithisha raia ujuzi na utaalim wa mtu asiye raia wakati wa kipindi chake cha ajira; na

(b) taarifa nyingine yoyote kadiri itakavyoelekezwa na Kamishna wa Kazi.

(2) Mtu yeyote anayemwajiri au kumshughulisha mtu asiye raia atatakiwa kuandaa mpango wa mafunzo ili kuwaandaa wataalam wa ndani watakaotekeleza majukumu ya mtaalam asiye raia.

Rejesta ya Vibali vya Ajira

8.-(1) Kutakuwa na rejesta itakayojulikana kama Rejesta ya Vibali vya Ajira ambayo itahifadhiwa na kutunzwa na Kamishna wa Kazi kwa ajili ya kuhifadhi taarifa zinazohusu vibali vya ajira na cheti cha msamaha na taarifa nyinginezo ambazo Kamishna wa Kazi ataona inafaa.

(2) Mtu anaweza baada ya kulipa ada itakavyoelekezwa na kwa muda uliyoelekezwa, kuangalia yaliyomo katika rejesta na kutoa nakala.

SEHEMU YA TATU URATIBU WA AJIRA ZA WAGENI

kuajiri watu wasio raia

9.-(1) Mtu asiye raia haruhusiwi kujishughulisha na kazi yoyote yenye ujira, faida au isiyo na faida isipokuwa pale tu atakapokuwa-

(a) na kibali halali cha ajira kilichotolewa kwake na kinachomruhusu kuajiriwa au kujishughulisha na kazi yoyote itakayokuwa imebainishwa kwenye kibali hicho cha ajira;

(b) ni mwenye cheti halali cha msamaha kilichotolewa kwake chini ya Sheria hii.

(2) Mtu yeyote haruhusiwi kumwajiri au kusabisha kuajiriwa au kutumiwa, mgeni katika shughuli za kazi yoyote mtu asiye raia isipokuwa pale tu-

(a) mtu huyo asiye raia ana kibali halali cha ajira kilichotolewa kwake na kinachomruhusu kuajiriwa katika kazi iliyobainishwa kwenye kibali hicho; au

(b) mtu huyo asiye raia ana cheti halali cha msamaha kilichotolewa kwake chini ya Sheria hii.

(3) Mtu yeyote atakayekiuka masharti ya kifungu hiki atakuwa ametenda kosa na akipatikana na hatia atawajibika kulipa faini isiyopungua shilingi milioni kumi au kifungo cha miezi miwili au vyote kwa pamoja.

Maombi ya
kibali cha
ajira

10.-(1) Mtu yeyote anayekusudia kumwajiri au kumshughulisha mtu asiye raia katika kazi yoyote atalazimika kuomba kibali cha ajira kwa Kamishna wa Kazi kabla mtu huyo hajaingia nchini.

(2) Maombi chini ya kifungu kidogo cha (1) yatafanywa kwa kutumia fomu maalum iliyopo katika Jedwali la Kwanza la Sheria hii na yataambatishwa pamoja na-

(a) ada iliyoelezwa katika Jedwali la Sita la Sheria hii ; na

(b) nyaraka husika zilizoainishwa katika Jedwali la Pili la Sheria hii.

(3) Mtu asiye raia atakayeajiriwa au kushughulishwa katika kazi yoyote kwa masharti ya Sheria hii anatakiwa kuwa na sifa, maarifa na ujuzi unaowiana na utendaji wa kazi inayoombewa kibali cha ajira.

Ushughulikia
ji wa
maombi

11.-(1) Kamishna wa Kazi anapokea maombi ya kibali cha ajira atayashughulikia na anaweza akiridhika kwamba-

(a) maombi yanakidhi matakwa ya Sheria hii , anaweza kutoa kibali cha ajira; au

(b) maombi hayakidhi matakwa ya Sheria hii, anaweza kukataa kutoa kibali cha ajira,

na mapema iwezekanavyo, kwa vyovyote vile atamjulisha mwombaji kimaandishi juu ya uamuzi alioufikia na sababu za uamuzi huo.

(2) Kamishna wa Kazi, kabla ya kuidhinisha maombi ya kibali cha ajira, atajiridhisha kuwa juhudi za makusudi zimechukuliwa katika kutafuta na kupata mtaalam wa ndani bila mafanikio.

(3) Kamishna wa Kazi anaweza, kwa madhumuni ya kujiridhisha juu ya maudhui ya maombi yanayowasilishwa kwake chini ya kifungu hiki, kumwita mtu aliyewasilisha maombi kwa mahojiano katika muda na mahali atakapobainisha.

(4) Mtu yeyote aliyeitwa kwa mahojiano atatakiwa kujibu kwa dhati na kwa ufahamu swali lolote atakaloulizwa.

(5) Kamishna wa Kazi atatakiwa, wakati wa kushughulikia maombi ya kibali cha ajira, kuzingatia makubaliano ya kikanda au mkataba wowote unaohusiana na ajira za wageni ambao Jamhuri ya Muungano imeridhia.

Kibali cha
ajira

12.-(1) Kibali cha ajira kinachotolewa chini ya kifungu cha 11 kitakuwa kama kilivyobainishwa kwenye fomu iliyopo katika Jedwali la Tatu la Sheria hii, na kinaweza kuambatana na masharti.

(2) Uvunjaji wa sharti lolote linaloambatanishwa kwenye kibali cha ajira itakuwa ni sawa na uvunjaji wa sharti lolote chini ya Sheria hii.

(3) Kibali cha ajira kinachotolewa chini ya Sheria hii hakitahamishwa kwa mtu mwingine na kitakuwa halali kwa madhumuni iliyotolewa kwake.

(4) Isipokuwa kama kitakuwa kimefutwa hapo kabla, kibali cha ajira kitakuwa halali kwa muda wa miezi ishirini na nne tangu tarehe ya kutolewa na kinaweza kwa kuzingatia masharti ya Sheria hii, kutolewa kwa mara ya pili ili mradi katika hali yoyote jumla ya kipindi cha uhalali wa kutolewa kwa mara ya kwanza na ya pili hakitazidi miaka mitano.

(5) Bila kujali masharti ya kifungu kidogo cha (4), jumla ya kipindi cha uhalali wa kibali cha ajira kwa mwekezaji ambaye mchango wake katika uchumi na ustawi wa Watanzania kupitia uwekezaji una thamani kubwa kinaweza kuzidi miaka kumi.

(6) Masharti ya vifungu vya 9 na 10 yatatumika, kwa marekebisho stahiki katika utoaji wa mara nyingine wa kibali cha ajira.

Aina ya
vibali
ya Ajira

13.-(1) Kutakuwa na aina mbili za vibali vya ajira kama ifuatavyo-

- (a) Daraja A kitakachotolewa kwa mwekezaji asiiiye raia aliyeajiri mwenyeji;
- (b) Daraja B kitakachotolewa kwa asiye raia mwenye taaluma iliyoainishwa;
- (c) Daraja C kitakachotolewa kwa asiye raia mwenye taaluma nyingine;na

(d) Daraja D kitakachotolewa kwa asiye raia anaye ajiriwa au kushughulika katika shughuli zilizo sajiliwa za kidini au utoaji misaada.

(2) Uaandaaji wa ada ya kibali cha ajira utazingatia aina ya kibali cha ajira kinachooombwa.

(3) Endapo mtu atakuwa amepewa mojawapo ya aina ya kibali cha ajira na ikatokea kupatiwa kibali cha aina nyingine, atatakiwa kurejesha kibali cha awali kwa Kamishna wa Kazi ili akifute.

Ufutaji wa
kibali cha
ajira

14.-(1) Kamishna wa Kazi anaweza kufuta kibali cha ajira endapo -

- (a) mmiliki wa kibali, pasipo kuwa na sababu za msingi ; atashindwa kutekeleza masharti yaliyowekwa kwenye kibali;
- (b) mmiliki wa kibali ataacha kujishugulisha na ajira ambayo iliombewa kibali;
- (c) atabaini kuwa mmiliki wa kibali alifanya udanganyifu wa taarifa wakati wa kutuma maombi; au
- (d) kwa maoni ya Kamishna wa Kazi uwepo wa mmiliki wa kibali katika Jamhuri ya Muungano unahatarisha maslahi ya umma.

(2) Kamishina wa Kazi baada ya kufuta kibali cha ajira kwa mujibu wa kifungu kidogo cha (1), atamjulisha Kamishna Mkuu wa Uhamiaji kuhusu ufutwaji wa kibali hicho.

Kupotea,
kuharibika
au kuibiwa
kwa kibali
cha ajira au
cheti cha
msamaha

15.-(1) Endapo kibali cha ajira au cheti cha msamaha kitapotea, kuibiwa au kuharibiwa vibaya, mwenye kibali au cheti cha msamaha atawasilisha kwa Kamishna wa Kazi maombi ya kupewa kibali au cheti kingine.

- (2) Maombi chini ya kifungu kidogo cha (1), yanaambatana na-
 - (a) ada ya maombi iliyoainishwa;
 - (b) hati ya kiapo inayoelezea mazingira yaliyosababisha upotevu, wizi au uharibifu wa kibali cha ajira au cheti cha msamaha; na
 - (c) uthibitisho kutoka mamlaka ambayo upotevu, wizi au uharibifu huo umetolewa taarifa.

Urejeshaji
wa taarifa

16.-(1) Kila Mtu anayeajiri au kumtumia mgeni katika shughuli yoyote katika kazi yoyote anatakiwa kila baada ya tarehe 30 ya mwezi Juni na tarehe 31 ya mwezi Desemba kuwasilisha kwa Kamishna wa Kazi taarifa za watu hao ambao siyo raia katika fomu iliyoainishwa katika Jedwali la Nne la Sheria hii.

(2) Bila kujali masharti ya kifungu kidogo cha (1), pale ambapo ajira ya mtu asiye raia itakoma mapema kabla ya miezi sita ya utoaji taarifa, mwajiri atalazimika kutoa taarifa ya ukomaji huo kwa Kamishna wa Kazi mapema kadri iwezekanayao.

Usalimishaji
wa kibali cha
ajira

17.-(1) Kibali cha ajira au cheti cha msamaha kitakachotolewa chini ya Sheria hii kitakuwa katika jina la Jamhuri ya Muungano na kitabaki kuwa mali ya Serikali ya Jamhuri ya Muungano.

(2) Kibali cha ajira au cheti cha msamaha kitahfadhiwa na mtu aliyepewa cheti au kibali hicho na kitawasilishwa pale kitakapohitajika.

(3) Endapo mwenye kibali cha ajira au cheti cha msamaha atakaribia kuondoka katika Jamhuri ya Muungano atatakiwa ndani ya siku kumi na nne kabla ya kuondoka kwake, kusalimisha kibali au cheti hicho kwa Kamishna wa kazi ambaye ataishughulikia hati hiyo kwa mujibu wa kanuni.

(4) Mtu yoyote ambaye pasipo sababu za msingi atakiuka matakwa ya Kifungu hiki atakuwa ametenda kosa, na atakapopatikana na hatia, atawajibika kulipa faini isiyozidi shilingi milioni kumi au kifungo kwa kipindi kisichozidi miezi kumi na miwili au vyote kwa pamoja.

SEHEMU YA NNE
MASHARTI YA JUMLA

Rufaa

18.-(1) Mtu asiyeridhika na maamuzi ya Kamishna wa Kazi ya kukataa kutoa au kufuta kibali cha ajira, anaweza ndani ya siku thelathini tangu tarehe ya kutolewa kwa uamuzi, kukata rufaa kwa Waziri.

(2) Kwa kuzingatia matakwa ya kifungu kidogo cha (1), Waziri baada ya kupitia rufaa anaweza kuthibitisha au kutengua uamuzi wa Kamishna wa Kazi.

Vivutio kwa
baadhi ya
wawekezaji
Sura 38
Sura 399
Sura 373

19.-(1) Kwa kuzingatia Sheria hii, mtu yeyote atakayepewa vivutio kwa mujibu wa Sheria ya Uwekezaji Tanzania, Sheria ya Ukanda wa Maeneo Huru ya Biashara au Sheria ya Mauzo Nje ya Nchi ataendelea kupata stahili ya moja kwa moja ya kuwa na idadi ya wafanyakazi wasio raia wasiopungua watano wakati wa kipindi cha mwanzo wa uwekezaji.

(2) Kwa kuzingatia kifungu kidogo cha (1), Kituo cha Uwekezaji Tanzania na Mamlaka ya Mauzo Nje ya Nchi watawasilisha maombi kwa Kamishna wa Kazi kwa ajili ya mtu yeyote kwa ajili ya nyongeza ya idadi ya wafanyakazi wasio raia mbali na wafanyakazi watano wanaoruhusiwa.

(3) Kwa kuzingatia masharti ya kifungu kidogo cha (2), Kamishna wa Kazi anaweza kuidhinisha mtu mwingine yeyote kadri atakavyoona inafaa baada ya kuzingatia uwepo wa Watanzania wenye ujuzi, ugumu wa teknolojia inayotumiwa na kampuni na makubaliano yatakayofikiwa na mwekezaji.

Makosa na
adhabu

20.-(1) Mtu yeyote-

- (a) atakayetoa taarifa za uongo kwa ajili ya kujipatia kibali cha ajira au cheti cha msamaha wakati akijua kuwa taarifa hizo ni za uongo;
- (b) atakayejiipatia au kujaribu kujipatia nyaraka yoyote kwa njia za kughushi, udanganyifu au kuwasilisha nyaraka ya uongo au iliyoghushiwa;
- (c) atakayemzuia afisa kazi au afisa yoyote aliyeidhinishwa katika kutekeleza majukumu yake chini ya Sheria hii; na
- (d) atakayekiuka masharti yoyote yanayohusu kibali cha ajira, atakuwa ametenda kosa na akipatikana na hatia atawajibika kulipa faini isiyozidi shilingi milioni kumi au kifungo kwa kipindi kisicho miezi isiyozidi kumi na mbili au vyote kwa pamoja.

Mamlaka ya
kukagua

21.-(1) Itakuwa ni halali kisheria kwa afisa kazi kuingia na kukagua sehemu yoyote ya kazi, kuitisha, kuchunguza na kuchukua kumbukumbu za nyaraka zozote za ajira kwa madhumuni ya kuhakikisha utekelezaji wa masharti ya Sheria hii.

(2) Pasipo kuathiri masharti ya jumla yaliyotangulia, Waziri anaweza kutengeza kanuni-

- (a) kwa ajili ya muundo na namna ya kuhifadhi rejesta ya watu ambao watapewa vibali vya ajira
- (b) zitakazoainisha utaratibu na vigezo vya kutoa cheti cha msamaha kwa mtu yeyote aliyesahemewa matumizi ya Sheria hii;
- (c) kwa ajili ya kuandaa taarifa zinazobainisha mazingira ya mabadiliko yanayoathiri usahihi wa taarifa zilizotolewa na mtu yeyote aliyepewa kibali cha ajira;
- (d) kubainisha taarifa zitakazotolewa na mwajiri au mwajiri mtarajiwa kuhusiana na:
 - (i) kuwasili au kuwasili kunakotarajiwa nchini Tanzania;
 - (ii) kupata au kushindwa kupata ajira;
 - (iii) kuachishwa kazi; na
 - (iv) kufikia kikomo kwa mkataba wa ajira, kwa mtu yeyote mbali na raia wa Tanzania aliyeajiriwa au anayetarajia kuajiriwa na mwajiri; na
- (e) kwa ajili ya kitu chochote kinachoweza kuelezwa chini ya Sheria hii.

Mamlaka ya kurekebisha Jedwali

23. Waziri anaweza, kwa Tangazo litakalochapishwa katika *Gazeti la Serikali*, kurekebisha Majendwali ya Sheria hii.

Mkinzano wa sheria

24. Katika mazingira ambayo kutakuwa na kukinzana baina ya Sheria hii na sheria nyingine zinazohusika na utoaji wa vibali vya ajira, Sheria hii ndiyo itakayotumika kwa kiasi cha mkinzano huo.

SEHEMU YA TANO
MASHARTI YATOKANAYO

Amendment of the Education Act Cap. 353

25. The Education Act is amended in section 46 by inserting the phrase “subject to the provisions of the Non-Citizens (Employment Regulation) Act” between the words “may” and “authorize” appearing in subsection (5).

Amendment of the Export Processing Zones Act. Cap. 373

26. The Export Processing Zones Act is amended in section 21, by adding the phrase “and the work permit in accordance with the Non-Citizens (Employment Regulation) Act” immediately after the figure “1995” appearing in subsection (1)(h).

Amendment
of the
National
Promotion
Service Act
Cap. 243

27. The National Employment Promotion Service Act is amended by repealing Part VI.

Amendment
of the
Immigration
Act. Cap. 54

28. The Immigration Act is amended-

(a) in section 3, by inserting in its respective alphabetical order the following definition:

“work permit” means the work permit issued by the Labour Commissioner pursuant to the Non-Citizens (Employment Regulation) Act.

(b) in section 16, by deleting the words “this Act” appearing in subsections (1) and (2) and substituting for them the phrase “the Non-Citizens (Employment Regulation) Act”;

(c) in section 17, by deleting the words “work permit” appearing in paragraphs (a) and (b) of subsection (3).

(d) in section 19, by-

(i) adding immediately after the word “fit” the phrase “after taking into consideration the conditions of the work permit issued by the Labour Commissioner to that effect”;

(ii) deleting the phrase “if the Director thinks that that person's contribution is still valuable and in demand” and substituting for it the phrase “the Director after taking into consideration conditions of the work permit issued by the Labour Commissioner to that effect”.

(e) in section 20, by adding immediately after the word “fit” the phrase “after taking into consideration conditions of the work permit issued by the Labour Commissioner to that effect”.

Amendment
of the
Refugees
Act
Cap. 37

29. The Refugees Act is amended in section 32 by adding immediately after subsection (4), the following new subsection:

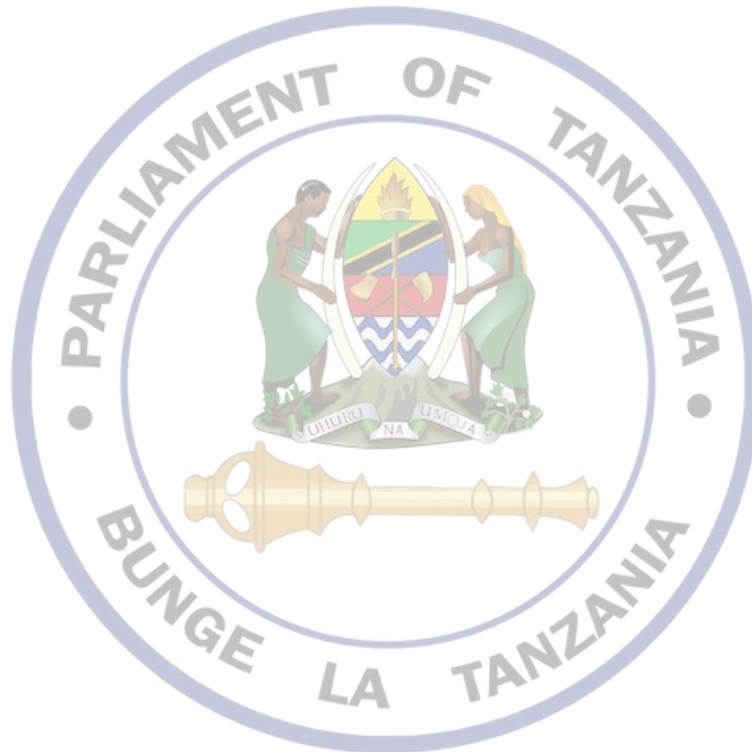
“(5) The Director shall, on every 30th of June and 31st of December of each year submit to the Labour Commissioner a return on employment status of refugees in a manner prescribed in the regulations.”

Amendment
of the Special
Economic
Zones Act
Cap. 420

30. The Special Economic Zones Act is amended in section 40, by adding the phrase “and the work permit in accordance with the Non-Citizens (Employment Regulation) Act” immediately after the figure “1995” appearing in subsection (1)(h).

Amendment
of the
Tanzania
Investment
Act
Cap. 38

31. The Tanzania Investment Act is amended in section 24, by adding immediately after the phrase “Immigration Department” appearing in subsection (2), the phrase “and the Labour Commissioner”.



JEDWALI LA KWANZA

(Limeandaliwa chini ya kifungu cha 10(2))
JAMHURI YA MUUNGANO WA TANZANIA
MAOMBI YA KIBALI CHA AJIRA

Weka picha
 ya mwombaji
 yenye kima
 cha paspoti
 pasipoti

SEHEMU YA KWANZA: TAARIFA ZA MUOMBAJI

Ninaomba kwa mara ya kwanza/ mara ya pili kibali cha ajira Daraja

1. Majina Kamili: Bw./Bibi/Bi. Jina la Kwanza Jina la Kati
 Jina la Ukoo.....
2. Hadhi ya ndoa
3. Anuani ya Nyumbani
4. Tarehe ya kuzaliwa
5. Sehemu alikozaliwa
6. Utaifa.....
7. Pasipoti Na..... Tarehe ya kutolewa Sehemu
 ilikotolewa.....
8. Anuani nchini Tanzania
9. Kiwango cha elimu
10. Kazi
11. Majukumu(Eleza kwa kifupi majukumu ya kazi husika)

12. Kwa waombaji walioajiri wenyewe (eleza aina ya shughuli inayotarajiwa kufanywa)

13. Sehemu ya kazi nchini Tanzania: Mkoa Wilaya Mtaa
 Kiwanja Na. Nyumba Na
14. Maelezo kuhusu maombi ya awali ya kibali cha Ajira nchini Tanzania yaliyokubaliwa au
 kukataliwa

UTHIBITISHO

Mimi..... Muombaji, natamka kwamba
 taarifa zilizoelezwa hapo juu ni sahihi kwa kadri ya ufahamu wangu
 Tarehe Sahihi ya muombaji

SEHEMU YA PILI: TAARIFA ZA MWAJIRI

15. Jina la Mwanajiri.....
16. Anuani Mkoa..... Wilaya..... Mtaa..... Kiwanja
Na Nyumba Na.
17. Aina ya shughuli.....
18. Idadi ya wafanyakazi.
(a) Raia..... Wanaume..... Wanawake

(b) WasioRaia..... Wanaume..... Wanawake.....

Tarehe..... sahihi na mhuri wa mwanajiri

SEHEMU YA TANO (KWA MATUMIZI YA OFISI TU)

19. Uamuzi wa Kamishna wa Kazi
.....
.....
20. Tarehe Sahihi ya Kamishna wa Kazi.....



JEDWALI LA PILI

(Limeandaliwa Chini ya Kifungu cha 10(2))

NYARAKA ZA KUAMBATISHA NA MAOMBI YA KIBALI CHA AJIRA

1. Mkataba wa ajira uliosainiwa kwa usahihi na mwajiri na mfanyakazi.
2. Maelezo ya majukumu ya kazi.
3. Wasifu wa Mfanyakazi.
4. Picha mbili za sasa za Mwombaji zenye kima cha paspoti.
5. Uthibitisho kutoka Mamlaka husika za Taaluma kwa kazi inayoombewa kibali cha ajira(Taaluma hizo ni pamoja na wahasibu na wakaguzi, wahandisi, wakadriaji majengo, madaktari wa binadamu, wauguzi, walimu, marubani, michezo ya bahati na sibu, ugavi, uwindaji, bima na benki.
6. Vyeti vya elimu na ujuzi.
7. Tafsiri ambayo imethibitishwa na Baraza la Kiswahili Tanzania au Ubalози ya vyeti/nyaraka zilizo katika lugha nyingine mbali ya kiswahili au kingereza.
8. Nakala ya paspoti.
9. Kibali cha awali cha ajira (kwa maombi ya mara ya pili).
10. Leseni ya biashara.
11. Namba ya Mlipa Kodi (TIN).
12. Kodi ya Ongezeko la Thamani (VAT).
13. Cheti cha usajili wa Kampuni.
14. Katiba na Kanuni za Kampuni
15. Mpango wa urithishaji katika ajira.
16. Taarifa nyingine atakazozihitaji Kamishna wa Kazi.

Angalizo: Viambatanisho vyote lazima vithibitishwe

JEDWALI LA TATU

(Limeandaliwa chini ya Kifungu cha 13(1) and (2))

JAMHURI YA MUUNGANO WA TANZANIA



KBALI CHA AJIRA

Kumb. Na

Weka picha
ya mwombaji
yenye kima
cha paspoti

Kwa mamlaka niliyopewa chini ya kifungu cha 12(2) cha Sheria hii, namwidhinisha Bw/Bi./ Bibi Raia wa na mwenye Paspoti Na kujishughulisha katika kazi ya/ kuajiriwa kama nchini katika kampuni ya iliyoko.....

Kibali hiki kitakuwa halali kwa kipindi cha kuanzia hadi kwa kuzingatia masharti yaliyoambatishwa.

.....
Tarehe

.....
Kamishna wa Kazi

MASHARTI

- (1) Kibali hiki ni kwa ajili ya mtu binafsi aliyekabidhiwa na hakihamishiki kwa mtu mwingine.
- (2) Mwenye kibali haruhusiwi kutafuta au kukubali ajira mbadala akiwa Tanzania au kujishughulisha katika kazi yoyote mbali na ile ambayo imeruhusiwa kwa mujibu wa kibali hiki.
- (3) Kibali hiki kitatunzwa na Mwenye kibali na kukionyesha kwa Afisa aliyeidhinishwa endapo kitahitajika.
- (4) Kamishna wa Kazi katika muda wowote anaweza kukifuta kibali hiki.
- (5) Endapo yataokea mazingira yoyote yatakayoathiri usahihi wa taarifa zilizowasilishwa kwa Kamishna wa Kazi wakati wa kuomba kibali, Mwenye kibali anatakiwa katika muda wa siku kumi na nne kumtaarifu Kamishna wa Kazi juu ya taarifa za mabadiliko hayo.



JEDWALI LA NNE

(Limeandaliwa chini ya kifungu cha 4(4))

JAMHURI YA MUUNGANO WA TANZANIA



CHETI CHA MSAMAHA

Weka picha
ya mwombaji
yenye kima
cha paspoti

Kwa mamlaka niliyopewa chini ya kifungu cha 1(1) cha Sheria hii, namsamehe Bw./Bi..... wa M/s..... kuhusika na matumizi ya Kifungu cha cha Sheria ya Kuratibu Ajira za Wageni Nchini.

Tarehe.....

Waziri wa Kazi na Ajira

JEDWALI LA TANO

(Limeandaliwa chini ya kifungu cha 19)

**JAMHURI YA MUUNGANO WA TANZANIA
WIZARA YA KAZI NA AJIRA**



TAARIFA ZA AJIRA ZA WASIO RAIJA

ANGALIZO: Fomu hii ijazwe kwa usahihi katika nakala mbili na kuwasilishwa kwa Kamishna wa Kazi S.L.P 1422, DAR ES SALAAM kati ya tarehe 30 ya mwezi Juni na tarehe 31 ya mwezi Desemba ya kila mwaka .

Taarifa kwa kipindi kinachoishia tarehe 30 Juni, 20...../ tarehe 31 Desemba, 20..... **(Futa isiyohusika)**

SEHEMU YA KWANZA: MAELEZO YA MWAJIRI:

1. Jina la Mwanajiri.....
2. Anuani Mkoa... Wilaya Mtaa Kiwanja Na. Nyumba Na.
3. Aina ya Shughuli.....
4. Idadi ya Wafanyakazi.
 - (a) Raia..... Wanaume Wanawake.....
 - (b) Wasio raia... Wanaume Wanawake.....

SEHEMU YA PILI: MAELEZO WAAJIRIWA WASIO RAIAMBAO WAMEAJIRIWA NA KAMPUNI:

Kumb.	Jina la Mfanyakazi	Jinsia	Utaifa	Kazi	Tarehe ya kutolewa kibali	Tarehe ya kibali kwisha muda

SEHEMU YA TATU: MAELEZO YA WAAJIRIWA WASIO RAIAMBAO WANAONDOKA KATIKA KAMPUNI NA WAFANYAKAZI WA NDANI WANAOWARITHI

Kumb.	Jina la Mfanyakazi	Jinsia	Utaifa	Kazi	Tarehe ya kutolewa kibali	Tarehe ya kibali kwisha muda	mfanyakazi wa ndani anayemrithi asiye raia

Tarehe Sahihi na Mhuri wa Mwajiri.....

JEDWALI LA SITA

(Limeandaliwa chini ya vifungu vya 8(2), 10(2) and 13(2))

ADA YA KIBALI CHA AJIRA NA YA UKAGUZI WA REJESTA:

(a) Ada ya kibali cha ajira

DARAJA	DONDOO	TAALUMA	ADA (DOLA ZA KIMAREKANI)
A	Wawekezaji na Waliojariri wenyewe	-	1,000
B	Wafanyakazi	Madaktari wa binadamu, Madaktari wa meno, Wafamasia , Waauguzi, Watabibu wa viungo, Walimu wa masomo ya hesabu na sayansi, na Profesa wa Vyuo vikuu.	500
		Shughuli zilizoidhinishwa za kidini na hisani	300
		Watafiti na Mafunzo kwa vitendo	100
		Wakimbizi	Bure
		Wengine	1,000

(b)(a) Ada ya ukaguzi wa rejesta ya vibali vya Ajira :- Dola za kimarekani 50

Imeptitishwa na Bunge Tarehe 18 Machi, 2015

THOMAS D. KASHILILAH
Katibu wa Bunge