

TANGANYIKA



No. 41 OF 1963

I ASSENT,


President

19TH SEPTEMBER, 1963

An Act to control Immigration into Tanganyika, to provide for the Registration of Aliens and for matters incidental thereto, and to repeal the Immigration Ordinance and the Immigration (Exemption and Amendment) and Aliens Ordinance, 1961

ENACTED by the Parliament of Tanganyika.

**PART I
PRELIMINARY**

1. This Act may be cited as the Immigration Act, 1963, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint. Short title and commencement

2.—(1) Subject to the provisions of this section, this Act shall not apply— Application

- (a) to any citizen of Tanganyika; or
- (b) to any African:

Provided that—

- (i) 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 Tanganyika or an African in so far as the exercise of such power is necessary to determine the status of that person as such; and
- (ii) a person who is a citizen of Tanganyika or an African 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

- (iii) regulations made under paragraphs (f), (m) and (n) of subsection (1) of section 25 of this Act, and in pursuance of subsection (2) of that section, may be applied to persons who are citizens of Tanganyika or Africans,

and to such extent and for such purposes the provisions of this Act and such regulations shall apply to citizens of Tanganyika and to Africans.

(2) The Minister may, in relation to all or any category or description of Africans, make regulations—

- (a) to provide for the control of immigration of Africans, whether by requiring individual Africans to comply with any such regulations before, on or after entering Tanganyika or by prohibiting or regulating the entry into Tanganyika of any category or description of Africans, or otherwise;
- (b) to provide for the registration and identification of Africans 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 any regulations made hereunder to Africans.

(3) Regulations made under subsection (2)—

- (a) may impose penalties for the breach thereof not exceeding a fine of ten thousand shillings or imprisonment for a term of twelve months or both such fine and imprisonment; and
- (b) shall be laid before the National Assembly.

(4) In this section "African" means a person, not being a citizen of Tanganyika, who is a member of a tribe indigenous to, Tanganyika, Kenya, Uganda, Zanzibar, Mozambique, Northern Rhodesia, Southern Rhodesia, Nyasaland, Burundi, Rwanda or the Congo Republic (Leopoldville) and includes a Swahili but not a Somali (other than a Somali who is normally resident in any of the foregoing countries).

Interpreta-
tion
Cap. 335

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

"African" has the meaning ascribed thereto in section 2;

"child" includes a child adopted under the Adoption Ordinance or any Ordinance repealed thereby, but does not include—

- (a) a child adopted otherwise than under the Adoption Ordinance or any Ordinance repealed thereby 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 21;

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

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

"immigration officer" means a person directed under section 4 to exercise powers and duties conferred by this Act and includes any person so directed to exercise powers and duties so conferred upon the Principal Immigration Officer;

"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;

Cap. 409

"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, 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 and by any regulations for the time being in force in Tanganyika in that behalf;

Provided that where 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;

"sea" included inland waters.

4.-(1) The powers conferred and duties imposed by this Act upon the Principal Immigration Officer and upon immigration officers shall be had and may be exercised by such public officers as the Minister may direct.

Principal Immigration Officer and immigration officers

(2) A public officer directed under subsection (1) to have and exercise the powers and duties 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 powers and duties, and any exercise by an immigration officer of any powers and duties conferred by this Act upon the Principal Immigration Officer shall be deemed unless the contrary is proved to be the exercise of such powers and duties as so delegated.

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

Power of immigration officers

- (a) without a search warrant enter upon and search any ship, train, aircraft or vehicle entering or leaving Tanganyika;
- (b) interrogate or scrutinize the passport of any person who, desires to enter or leave Tanganyika or any person whom he has reasonable grounds for believing to be a prohibited immigrant and, when he

has reason to believe any infringement of any provision of this Act, or any regulations made hereunder has occurred, 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 Tanganyika to make and sign any prescribed form of declaration and to submit himself to, examination by a medical practitioner;
- (d) require the master of a ship or 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 Tanganyika 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 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 any regulations made hereunder or that his presence in Tanganyika 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.

(2) If the Principal Immigration Officer is satisfied that any person entering Tanganyika 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 upon the order of the Principal Immigration Officer for such period as may 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

Definition of "prohibited immigrant"

6. The expression "prohibited immigrant" means any person who, if he seeks to enter Tanganyika is, or if he has entered Tanganyika was at the time of his entry, or is-

- (a) a destitute person;
- (b) a mental 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 Tanganyika, dangerous to the public;

- (d) a person who, not having received a free pardon, has been convicted in any country other than Tanganyika 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 Tanganyika, lived on or received the proceeds of prostitution;
- (f) a person who, in consequence of information received from any Government or any other source deemed by the Minister or the Principal Immigration Officer to be reliable, is declared by the Minister or the Principal Immigration Officer to be an undesirable immigrant:

Provided that every declaration of the Principal Immigration Officer made under this paragraph shall be subject to confirmation or otherwise 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 Tanganyika made under the provisions of any law for the time being in force;
- (h) a dependant of a person to whom any of the foregoing paragraphs of this definition apply;
- (i) a person whose presence in or entry into Tanganyika is unlawful under any law for the time being in force:

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

7. The entry into and presence in Tanganyika of any prohibited immigrant is unlawful:

Entry, etc.,
of prohibited
immigrant
unlawful

Provided that the provisions of this section shall not apply to any prohibited immigrant who is the holder of a valid pass issued or deemed to have been issued to him under the provisions of this Act.

8.-(1) Subject to the provisions of this Act, any immigration officer or any police officer may prevent any prohibited immigrant from entering Tanganyika by land, sea or air, and may without warrant arrest any person whom he has reasonable cause to suspect of having entered Tanganyika, while being a prohibited immigrant, otherwise than in accordance with the provisions of this Act or regulations made hereunder.

Arrest and
expulsion 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 has entered Tanganyika 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.

(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 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 Tanganyika.

Liability of master, etc., in respect of prohibited immigrant

9.-(1) The master and the owner and the agent in Tanganyika of any vessel from which any prohibited immigrant shall disembark shall be jointly and severally liable 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 Tanganyika; and the person, in charge, the owner and the agent in Tanganyika of any aircraft, motor 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 recoverable by suit brought in the name of the Principal Immigration Officer in any court of competent jurisdiction.

PART III

ENTRY INTO TANGANYIKA

Prohibition on entry without permit or pass

10.-(1) No person to whom this section applies shall enter Tanganyika from any place outside Tanganyika or remain in Tanganyika unless—

- (a) he is the holder of or his name is endorsed upon an entry 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 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 Tanganyika 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 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, under subsection (3) of section 25, unless the Minister, otherwise directs.

- (2) This section shall apply to every person other than—
 - (a) the envoy of a foreign sovereign power accredited to, Tanganyika, his official and domestic staff;
 - (b) the chief or other representative of a Commonwealth country in Tanganyika and his 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 Tanganyika and recognized as such by the Government of Tanganyika;

- (d) the wife or dependent children of an envoy of a foreign sovereign power accredited to Tanganyika, or of a chief or other representative of a Commonwealth country in Tanganyika, or of a member of their official staffs accompanying such member, or of a consular officer or consular employee of a foreign sovereign power appointed to Tanganyika accompanying such officer or employee;
- (e) a person in the service of the Government of Tanganyika, or a person in the service of the Common Services Organization and stationed in Tanganyika, who has in his possession a valid passport and who satisfies the immigration officer as to his identity and occupation, and the wife and dependent children of such person;
- (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) Where-

- (a) any person to whom paragraph (a), (b) or (c) of subsection (2) refers ceases to, be employed as such;
- (b) any person to whom paragraph (e) of subsection (2) refers ceases to be in the service of the Government of Tanganyika or of the Common Services Organization or, in the latter case, ceases to be stationed in Tanganyika; 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 Tanganyika 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.

11. There shall be two classes of entry permits to be known respectively as Class A permits and Class B permits.

Entry
permits

12.-(1) Any person, other than a prohibited immigrant, may, if the immigration officer thinks fit, be granted a Class A permit permitting him to enter Tanganyika without giving security.

Class A
permits

(2) A person to whom a Class A permit is granted shall be permitted to enter Tanganyika-

- (a) subject to such conditions relating to-
 - (i) the area within which he may reside;
 - (ii) the occupation or business (if any) in which he may engage, and the restrictions, prohibitions or limitations subject to which he may engage therein; and
 - (iii) the duration of his residence in Tanganyika,

as may be entered by the immigration officer in the permit; and

- (b) subject to the condition that if at any time he shall be notified by the Principal Immigration Officer that the permit has been cancelled, he shall not, unless granted a Class B permit or a pass or other authorization issued under this Act, thereafter remain in Tanganyika.

(3) 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 the permit, cancel a Class A permit or vary or add to the conditions entered therein:

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

Class B
permits

13.-(1) A person, other than a prohibited immigrant, who is not granted a Class A permit may, if the immigration officer thinks fit, be granted a Class B permit if—

- (a) he, 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 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 B permit has been granted may subsequently, if an immigration officer thinks fit, be granted a Class A permit.

(3) A person to whom a Class B permit is granted shall be permitted to enter Tanganyika—

- (a) subject to such of the conditions referred to in paragraph (a) of subsection (2) of section 12 as may be entered by the immigration officer in the permit; and
- (b) subject to the condition that he shall not remain in Tanganyika if he fails, within such period as may be specified in the permit, to obtain a Class A permit.

(4) An immigration officer may, if he thinks fit, allow the holder of a Class B permit an extension of the period specified in the permit for obtaining a Class A permit and in such case the Class B permit shall, subject to the provisions of section 14, have effect as, if such extended period were substituted for the original period.

(5) 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 the permit, cancel a Class B permit or vary or add to the conditions entered, therein:

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

Provisions
as to
security
by cash
deposit

14.-(1) Where a person who has been permitted to enter Tanganyika on payment of a deposit under the provisions of paragraph (a) of subsection (1) of section 13 subsequently obtains a Class A permit, the amount deposited by him or on his behalf shall be returned to the person who made the deposit.

(2) If such person fails to obtain a Class A permit within the period specified for that purpose in the Class B permit issued to him but is allowed by the immigration officer a further period within which to obtain a Class A permit, the deposit made by him or on his behalf shall be retained until a Class A permit is granted or such person leaves Tanganyika:

Provided that the immigration officer may, if he thinks fit, permit such person to enter into a bond in accordance with paragraph (b) of subsection (1) of section 13 and, in such case, upon the execution of the bond, the deposit shall be returned to the person by whom it was made.

(3) If such person fails to obtain a Class A permit within the period specified for that purpose in the Class B permit issued to him or within any further period which may be allowed, but leaves Tanganyika on or before the expiry of such period or further period, as the case may be, the deposit made by him or on his behalf shall, after the deduction of any expenditure from or debt to public funds incurred in respect of the departure of such person from Tanganyika, be returned to the person who made the deposit.

15. Where a person who has been permitted to enter Tanganyika upon entering into a bond under the provisions of paragraph (b) of subsection (1) of section 13 fails within the period specified for that purpose in the Class B permit issued to him to obtain a Class A permit but is allowed by the immigration officer a further period within which to obtain a Class A permit, he shall enter into a new bond, for the same amount and to the same effect as the bond into which he entered upon being permitted to enter Tanganyika, or make a deposit in accordance with the foregoing provisions of this Act.

Provisions
as to
security
by bond

16. Where a person who has been permitted to enter Tanganyika under a Class B permit is allowed a further period within which to obtain a Class A permit, the conditions subject to which his entry was permitted and any addition thereto or variation thereof shall continue to apply during such further period as they applied before its commencement and, during such further period, such conditions may be added to or varied by an immigration officer.

Conditions
to apply
where
period
extended

17. Where any person to whom a Class B permit has been issued contravenes or fails to comply with any conditions entered in the permit, then without prejudice to any other proceedings which may be taken in respect of such contravention or failure-

Failure to
comply with
conditions
of class B
permit

- (a) if the security was furnished by way of deposit, such deposit may be forfeit;
- (b) if the security was furnished by way of bond, the Principal Immigration Officer may sue for and recover the amount secured by the bond.

18.-(1) Where a person who has been issued with a Class B permit is subsequently granted a Class A permit he shall, on demand by an immigration officer, surrender the Class B permit.

Surrender
of permits

(2) Where any person to whom a Class A or Class B permit has been granted leaves Tanganyika permanently, the Principal Immigration Officer may cancel such permit and require such person to surrender the same.

Endorse-
ment upon
entry
permit

19.-(1) Subject to such conditions as may be prescribed, the Principal Immigration Officer may on application being made in that behalf in the prescribed form by the holder of or the applicant for an entry permit endorse on such permit the name or names of the dependent wife and dependent child of such holder or applicant where such wife or child is accompanying such applicant or holder to Tanganyika.

(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 entry 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, the child within the meaning of this Act, of the holder and the presence of such wife or child in Tanganyika shall, unless otherwise authorized under this Act, thereupon be unlawful.

PART IV

MISCELLANEOUS

Saving
powers of
Minister

20. Notwithstanding anything in this Act contained, the Minister may, in his absolute discretion, prohibit the entry into Tanganyika of any person (other than a citizen of Tanganyika) and, so long as such prohibition remains in force, the entry into Tanganyika of such person shall be unlawful.

Power to
deport

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

- (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);
- (b) any person whose entry into Tanganyika was, or presence within Tanganyika is, unlawful; or
- (c) any person (other than a citizen of Tanganyika) convicted of an offence against any of the provisions of this Act or any regulations made hereunder,

shall be deported from and remain out of Tanganyika, either indefinitely or for a period specified in the order:

Provided that no deportation order shall be made against a person referred to in paragraph (c) of this subsection (unless he is also a person referred to in paragraph (a) or paragraph (b) thereof) except where the court by which he was convicted recommends that such order be made.

(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 is being made in respect of him on the grounds that

he is a person referred to in paragraph (a) or paragraph (b) of subsection (1), 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 recommendation for deportation is made under paragraph (c) of subsection (1) and the person concerned is also sentenced to undergo a term of imprisonment, such person may be deported notwithstanding that the full term of imprisonment has not been served.

22. whenever in any proceedings under or for any of the purposes of this Act any one or more of the following questions is or are in issue, namely—

Burden
of proof

- (a) whether any person is or is not a citizen of Tanganyika; or
- (b) whether any person is or is not an African within the meaning of this Act,

the burden of proof that such person is a citizen of Tanganyika or an African, as the case may be, shall lie upon the party contending that such person is a citizen of Tanganyika or an African, as the case may be.

23. (1) Any person who commits any of the following acts or omissions shall be guilty of an offence against this Act, namely, any person who—

Offences
and
penalties

- (a) fails or refuses to answer any lawful and reasonable question put to him by any immigration officer, or knowingly answers such question untruthfully:

Provided that no person shall be required under this provision to answer any question tending to incriminate himself;

- (b) whether within or outside Tanganyika knowingly makes any false declaration, return or statement for the purpose of obtaining or assisting another person to obtain any permit, certificate, pass or endorsement under this Act;
- (c) alters any permit, certificate, pass, endorsement or other entry issued or made in pursuance of this Act, or any copy thereof;
- (d) gives, sells or lends any permit, certificate or pass issued to, him in pursuance of this Act in order that it shall be used by any other person, or uses as a permit, certificate or pass issued to him any permit, certificate or pass issued to any other person;
- (e) knowingly 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;
- (f) obstructs or impedes any immigration officer in the execution of his duties;

- (g) misleads or attempts to mislead any immigration officer seeking, in the exercise of his duties, information in relation to any material matter;
- (h) fails to furnish any list or information required to be furnished by him under section 5;
- (i) unlawfully enters or is unlawfully present within Tanganyika 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 Tanganyika;
- (k) fails to comply with any term or condition imposed by 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;
- (l) aids or abets any person in committing any of the foregoing offences;
- (m) harbours any person whom he knows or has reasonable grounds for believing has committed any of the foregoing offences.

(2) Any person who commits an offence against this Act shall, except where any other penalty is specifically provided therefor, be liable on conviction therefor to a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(3) Where any person is convicted of an offence under paragraph (b) of subsection (1), the court shall, in addition to any penalty which it may impose for such offence, cancel any permit, certificate, pass or endorsement which was issued or made in consequence of such false declaration, return or statement as is referred to in that paragraph.

(4) Any person who, having been deported from Tanganyika under the provisions of this Act or any other law for the time being in force, returns to Tanganyika while the deportation order is still in force, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment, and may again be deported under the provisions of section 21.

(5) Where any prohibited immigrant enters Tanganyika from any vessel, aircraft or vehicle, whether or not with the knowledge of the owner, agent or person in charge thereof, such owner, agent and person in charge shall each be guilty of an offence and liable on conviction therefor by a magistrate of the first class to a fine not exceeding three thousand shillings, and 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 Tanganyika 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.

(6) 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 the court may, when imposing any such fine, order execution against such vessel, aircraft or vehicle in satisfaction of such fine.

(7) Any police officer may, if he has reasonable cause to suspect that any person has contravened any of the provisions of this Act or 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 immediately, arrest any such person without a warrant, and such person shall be brought before a magistrate as soon as possible after such arrest.

(8) 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, whether he has read such declaration, return or statement or not, provided he knows the nature of the document.

24. No suit shall lie against any public officer for anything done or omitted to be done by him in good faith and without negligence and in the exercise or intended exercise of any power or in the performance or intended performance of any duty conferred or imposed upon him by this Act. Protection of officers

25.-(1) The Minister may make regulations- Regulations

(a) prescribing-

- (i) the period for which entry permits shall be valid;
- (ii) the terms and conditions subject to which any person may be granted a pass to re-enter Tanganyika and the person who may issue such pass;
- (iii) the terms and conditions subject to which any person may be granted a pass enabling him to enter and remain within Tanganyika, 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 be valid, and the expiry and termination of passes and endorsements thereon;

(c) providing for the payment and recovery of any expenses incurred (whether under any legal obligation or otherwise) 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 Tanganyika of any person;

(d) Prescribing the place or places where, the person or persons to whom, and the manner in which, application to enter Tanganyika shall be made:

- (e) prescribing the place or places where entry into Tanganyika may be made;
 - (f) prescribing the procedure to be followed by persons entering Tanganyika;
 - (g) providing for the exemption or exclusion of any person or class of persons from all or any of the provisions of this Act, and prescribing any conditions subject to which such exemption or exclusion shall take effect, and providing for the cancellation or termination of any such exemption or exclusion;
 - (h) prescribing the procedure to be followed by persons having authority to exercise functions under this Act;
 - (i) prescribing the information to be given by employers or prospective employers in relation to the arrival or expected arrival in Tanganyika of, the taking up or failure to take up employment by the discharge from or leaving any employment of, or the expiration or determination of any contract of employment concerning, any persons employed or to be employed by them;
 - (j) prescribing the fees (if any) to be charged upon application for the grant, issue or renewal of any permit, endorsement or pass;
 - (k) making provision with regard to any delegation of powers authorized by this Act;
 - (l) prescribing the deposit or security (if any) to be made or given in respect of any person who enters or desires to enter or has entered Tanganyika under the authority of a pass issued under this Act, the conditions subject to which such deposit or security may be forfeited and the purposes for which any forfeited moneys may be applied;
 - (m) requiring persons entering or leaving Tanganyika to furnish to an immigration officer such information as may be prescribed or required by such officer;
 - (n) prescribing the forms to be used for the purposes of this Act;
 - (o) prescribing 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 not exceeding a fine of ten thousand shillings or imprisonment for a term of twelve months or both such fine and imprisonment.

(3) Regulations under this section may provide that upon the expiry, cancellation or termination of any permit, endorsement, exemption certificate or exclusion it shall be unlawful for the holder of such permit or exemption certificate or for the person excluded or to whom the endorsement relates, as the case may be, to remain in Tanganyika after such date, or after the expiration of such period, as may be referred to in any such regulation (being a date not earlier than the date of such expiry, cancellation or termination) unless such person is otherwise authorized in that behalf under the provisions of this Act or any such regulation.

26.-(1) The Minister may make regulations for the registration of aliens.

(2) In this section "alien" means a person who is not a citizen of Tanganyika 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 Tanganyika Citizenship Ordinance, 1961, or a Citizen of the Republic of Ireland, or of a country to which section or Section of the Tanganyika Citizenship Ordinance, 1961, applies.

PART V

TRANSITIONAL PROVISIONS

27. Subject to the provisions of this Part, the Immigration Ordinance (hereinafter called the repealed Ordinance) and the Immigration (Exemption and Amendment) and Aliens Ordinance, 1961 (hereinafter called the 1961 Ordinance) are hereby repealed.

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and ord.
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28.-(1) Any person, other than a citizen of Tanganyika, who, immediately prior to the date of coming into operation of this Act (hereinafter called the appointed day) is the holder of a valid certificate of permanent residence granted or deemed to have been granted under the provisions of the repealed Ordinance or who, under the provisions of paragraph (a) or (b) of subsection (2) of section 4 of the 1961 Ordinance, would be entitled to be granted such a certificate, shall be entitled during a period (hereinafter called the period of entitlement) commencing on the appointed day and ending on the expiration of a period of six months after the appointed day to apply for and be issued with a Class A entry permit under the provisions of this Act.

Permanent
residents

(2) Until the expiration of the period of entitlement or until the issue to him of a Class A entry permit, whichever shall be the earlier, a person referred to in subsection (1) shall, notwithstanding the provisions of section 27, remain entitled to all the rights, privileges and advantages of, or pertaining to, a permanent resident under the repealed Ordinance to the same extent as he would have been so entitled had this Act not been enacted

(3) A Class A entry permit issued under this section shall, notwithstanding any other provision in this Act contained-

- (a) be valid for a period of two years from the date of issue thereof;
- (b) shall not be subject to any conditions save the condition that if the permit be cancelled by the Principal immigration Officer the holder thereof shall not, unless he is otherwise authorized in that behalf under the provisions of this Act, thereafter remain in Tanganyika;
- (c) may be cancelled by the Principal Immigration Officer if he considers such cancellation to be in the public interest.

(4) At the expiration of the period of validity of a Class A entry permit issued under this section the presence in Tanganyika of the holder thereof shall, unless otherwise authorized under this Act, be unlawful.

Entry permits

29.-(1) Any entry permit issued or deemed to have been issued under the repealed Ordinance and in force immediately prior to the appointed day shall, for a period of six months from the appointed day, be deemed to be a Class A entry permit granted without the imposition of any conditions (other than the condition that if the permit be cancelled by the Principal Immigration Officer the holder thereof shall not, unless he is otherwise authorized in that behalf, thereafter remain in Tanganyika).

(2) At the expiration of such period of six months the presence in Tanganyika of the holder of such entry permit shall, unless otherwise authorized under this Act, be unlawful.

(3) Where the holder of any entry permit referred to in subsection (1) has under the provisions of any regulations made under the repealed Ordinance or any Ordinance repealed by the repealed Ordinance given any deposit or entered into any bond on his entry into Tanganyika then, subject to the deduction from such deposit or from the sum secured by such bond of any expenses incurred by or on behalf of the Government, such deposit shall be refunded or such bond shall be cancelled-

- (a) upon such person leaving Tanganyika permanently; or
- (b) upon such person being granted a Class A entry permit under this Act.

(4) The provisions of this section shall apply mutatis mutandis to any endorsement lawfully made upon an entry permit under section 12 of the repealed Ordinance and to any person in respect of whom such endorsement was made.

Passes, etc.

30.-(1) Every pass and other authorization issued or deemed to have been issued under the provisions of any regulations made under the repealed Ordinance and in force immediately prior to the appointed day shall-

- (a) if the same could be issued under the provisions of regulations made under this Act, be deemed to be so issued and shall have effect accordingly; or
- (b) if the same could not be issued under the provisions of regulations made under this Act, remain in force, subject to the limitations of the regulations under which it was issued, for the period for which it was issued or for a period of three months from the appointed day (whichever shall be the shorter).

(2) Upon the expiration of the period for which a pass or other authorization referred to in paragraph (b) of subsection (1) was issued or of a period of three months from the appointed day, as the case may be, the presence in Tanganyika of the holder of such pass or other authorization shall, unless otherwise authorized under this Act, be unlawful.

(3) Where the holder of a pass or other authorization referred to in subsection (1) has under the provisions of any regulations made under the repealed Ordinance or any Ordinance repealed by the repealed Ordinance given any deposit or entered into any bond on his entry into Tanganyika then, subject to the deduction from such deposit or from the sum secured by such bond of any expenses incurred by or on behalf of the Government, such deposit shall be refunded or such bond shall be cancelled-

- (a) upon such person leaving Tanganyika permanently; or
- (b) upon such person being granted a Class A entry permit under this Act.

(4) The provisions of this section shall apply mutatis mutandis to any endorsement lawfully made upon a pass under the provisions of regulations made under the repealed Ordinance and to any person in respect of whom such endorsement was made.

31. Notwithstanding the repeal of the repealed Ordinance by this Act- General provisions

- (a) any person whose presence in Tanganyika is unlawful under the provisions of the repealed Ordinance shall be deemed to be unlawfully in Tanganyika for the purposes of this Act;
- (b) any application for any permit, pass or other authorization made under the provisions of the repealed Ordinance and not determined on the appointed day shall be deemed to be made under the provisions of this Act;
- (c) all appointments made, directions given or powers conferred under the provisions of the repealed Ordinance shall be deemed to have been made, given or conferred under the provisions of this Act;

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- (d) the following regulations made under the repealed Ordinance, that is to say, the Immigration (Exemption) Regulation, 1958, the Immigration (Exclusion) Regulations, 1958, and the Immigration (Control of African Immigration) Regulations, 1961, as in force immediately prior to the appointed day shall be deemed to have been made under this Act and shall remain in force until 'amended' or revoked by regulations made under this Act.

Passed in the National Assembly on the twelfth day of September, 1963.

Pius Msekwa
Clerk of the National Assembly

