

THE REFUGEES ACT, 1998

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THE UNITED REPUBLIC OF TANZANIA



NO. 9 OF 1998

I ASSENT,

Benjamin W. Mkapa

President

24. 1. 1999.

**An Act to make provision for the
enactment of the Refugees Act, National
Eligibility Committee, Asylum seeker and
Refugee administration and to repeal the
Refugee (Control) Act and for connected
matters**

[.....]

**ENACTED by the Parliament of the United Republic
of Tanzania**

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the **Short title and**
Refugees Act , 1998 and shall come into **commencement**
operation on a date which the Minister may
by notice in the *Gazette* appoint.

-
- Application 2. This Act shall apply throughout
the United Republic of Tanzania
- Interpretation 3. In this Act unless the context
otherwise requires-
- area¹ in relation to a competent authority
is a Regional Commissioner, the
region of which he has the charge;
and when the competent authority is
a District Commissioner, the district
of which, he has charge;
- "asylum" means, shelter granted by the,
Government to Persons qualifying for
refugee status in accordance with the
provisions of this Act-
- "asylum seeker" means a person seeking
refugee Status in accordance with the
Provision of this, Act and in,
Accordance with other International
Conventions relating to refugee
matters of which Tanzania has
acceded to;
- "authorized officer" ' means the Director of

Refugee Services, refugee officer, a
settlement, officer or immigration,
officer

"Committee" means the National
Eligibility Committee, established,
under section 6 of this Act-

"competent authority" means a, Regional,
Commissioner, for the purpose of
sections 10,, 11, 13 and, 14 and
includes, a District Commissioner

"dependent" has. the meaning ascribed to it
by thee Immigration Apt, 1, 995;

"designated area" means an area declared
as such by the Minister or competent;
authority under subsections (1) (2)
and (3) of section 16;

"Director" means the Director of
Refugees Services appointed under
section 5 of this. Act;

"family" includes husband or wife or a
lawfully recognized spouse, children
below 18 years and any person living

with the asylum seeker or refugee as a dependent;

"lockup" means any facility for holding or detaining remandee asylum seekers and refugees within the designated areas;

"OAU" means the Organisation of African Unity;

"Minister" means the Minister for the time being responsible for refugee matters-

"reception area" means an area declared as such by the Minister under section 16(1);

"Refugee Officer" means an officer responsible for refugees matters under this Act and answerable to the Director of Refugees;

"refugee settlement" means a refugee settlement established in accordance with section 16(3);

"settlement officer" means a person appointed to be incharge of a designated area;

"Trust" means Tanzania Refugee Trust
established under section 15 of this
Act;

"UN" means the United Nations,

"UNHCR", means United Nations High
Commissioner for Refugees.

Definition of
Refugee,
cessation and
exclusion

4.-(I) Subject to the provisions of
sub-sections (3) and (4) of this section and
for the purposes of this Act a refugee is any
person who:

- (a) is outside the country of his
nationality or if he has no
nationality, the country of his
former habitual residence,
because he has or had a well



founded fear of persecution by reason of his race, religion, nationality membership of a particular social group or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the Government of the country of his nationality, or, if he has no nationality, to return to the country of his former, habitual residence;

- (b) Owing to external aggression,, occupation, foreign domination or events seriously disturbing public order in either part or

the, whole of his country of origin or nationality, is compelled to, leave his place of habitual residence in order to seek refuge in another place outside his country of origin- or nationality;

- (C) belongs to a group of persons which, by notice in the Government Gazette has, been declared to be, refugees for the reasons, set out *in*, paragraphs. (a.) and (b) above.

(2) In, the case of a person who has several, nationalities the term a, country, of which he is a national" shall mean each of the countries, of which he is a national, and

a person shall not be deemed to be lacking the protection of the country of which he is a national if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

(3) A person shall cease to be considered to be a refugee for the purposes of this Act if-

- (a) he has voluntarily re-availed himself of the protection of the country of his nationality; or
- (b) having lost his nationality he has voluntarily required it; or
- (c) he has acquired a new nationality, and enjoys the protection of the country of his

new nationality; or

- (d) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
- (e) he can no longer because the circumstances in connection with which he was recognised as a refugee having ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality, or if he has no nationality the country of his former habitual residence;
- (f) he has committed a serious

non-political crime outside his country of refuge after his admission to that country as a refugee; or

(g) he has seriously infringed the purposes and objectives of the 1969 O-A U refugee convention governing the "Specific Aspects for Refugee Problems in Africa" ;

(h) he has involved himself in subversive activities, whilst enjoying asylum in Tanzania

,(4) A person shall not be considered a. refugee for the purposes of this Act if-

(a) he has committed a crime against peace, a war crime or a

crime against humanity, as define in International instruments drawn up to make provision in respect of such crimes; or

- (b) he committed a serious non-political crime outside the country of refuge prior to his admission in Tanzania as a refugee; or

- (c) he has been guilty of any act *contrary to the purpose and principles of the OAU and/ or UN*;

- (d) he has already been granted refugee status or asylum , in

another country prior to his entry to Tanzania provided that a person qualifying for resettlement or family reunification in accordance with the provisions of this Act or a person arriving from a territory where there has been a serious breach of peace, shall have his application for asylum considered-

- (e) prior to his entry into Tanzania he has transited through one or more countries and is unable to show reasonable cause for failure to seek asylum in those

countries, provided that a person who has transited through a country or countries where there is a serious serviced breach of peace.

PART 11

ADMINISTRATION PROVISIONS

5.-(I) There shall be a Director of Refugee Services, who shall be appointed by the President.

Director for
Refugee
Services

(2) The functions of the Director shall be the following-

- (a) to convene meetings of the National Eligibility Committee;
- (b) to receive applications for

refugees status and submit them to the Committee or the Ad-hoc Committee;

- (c) to register applications for refugee status and maintain a register of recognised refugees. Alterations to any of those registers can only be done upon approval of the Minister;
- (d) to co-ordinate the provision of adequate facilities and services for the reception and care of refugees and asylum seekers within Tanzania;
- (e) to ensure that an applicant for refugee status is not ordered to leave the country before his

claim for refugee status has been decided upon in accordance with the provisions of this Act;

- (f) to receive applications for a resettlement of refugees in Tanzania from other countries of asylum, to submit them before the Committee and to keep all records thereof;
 - (g) to implement and communicate with applicants the decisions of the Minister;
 - (h) to exercise any other functions and duties that may be assigned to him by the Minister in terms of this Act.
- (3) No destruction, variation or

alteration of any record made or kept under the terms of this section shall be made except with approval of the Minister and shall be published in the Government Gazette.

- Establishment** 6.-(I) There is hereby established a
of a Committee National Eligibility Committee which shall
consist of the following members-
- (a) The Director-
 - (b) Not less than seven other members appointed by the Minister from the following departments in consultation with their respective Ministers-
- (i) The Director of Public Prosecutions, who shall be the Chairman-

- (ii) The President's Office;
- (iii) The Prime Minister's Office;
- (iv) The Chief Minister's Office;
- (v) The Ministry of Foreign
fairs and International Co-
peration;
- (vi) The Inspector General of
Police; and
- (vii) The Director of Immigration
Services.

(2) The officer of the UNHCR Representative in Tanzania shall be invited to attend the meetings of the Committee as an observer.

(3) The Minister may, when he considers it necessary co-opt for a specified period not more than two additional

members to the Committee. Co-opted members have no right of vote.

(4) The Committee shall elect annually by simple majority a Vice-Chairman from amongst its members. The Committee shall in the absence of the Chairman and Vice-Chairman, elect by a simple majority from among its permanent members an acting Chairman.

(5) The Office of the Director shall provide the Secretariat of the Committee.

Functions of the
Committee

7. The functions of the Committee shall be as follows-

- (a) to consider all applications for refugee status and recommend to the Minister for-

- (i) grant of refugee status and asylum;
 - (ii) denial of refugee status and asylum;
- (b) to consider and make recommendations to the Minister on applications for family re-unification with recognised refugees in Tanzania;
- (c) to consider and make recommendations to the Minister on requests from refugees for resettlement in Tanzania;
- (d) to advise the Minister or the Director on any matter referred to it by either of them or both.

Ad hoc
commi-
ttee

8.-(1) Where it is not feasible for the Committee to convene, the Minister shall direct that an Ad hoc Committee be constituted to consider the refugee status of any group of persons claiming to be refugees and make recommendation to the Minister accordingly.

(2) An Ad hoc Committee referred in subsection (1) shall be in respect of the area where the asylum seekers are and shall be composed of the-

- (a) Member of Parliament;
- (b) Director;
- (c) Regional Administrative Secretary;
- (d) Regional Security Officer,
- (e) Regional Police Commander;
- (f) Regional Immigration Officer;
- (g) The State Attorney in--charge

(3) The UNHCR Representative in Tanzania or in his absence any other UNHCR Official designated by the Representative in Tanzania shall be invited to attend as an observer.

(4) The Minister shall appoint a Chairman and Vice Chairman of the Ad hoc Committee.

(5) The Minister shall specify the group of persons whom the Ad hoc Committee shall consider their status and a time frame within which the Committee shall accomplish its work.

(6) The Office of the Director shall provide the Secretariat"

9.-(I) Any person entering or who is within Tanzania, whether lawfully or otherwise and who wishes to remain in Tanzania as a refugee within the meaning of section 4, shall immediately and not later than seven days after entry, unless he can show reasonable cause for delay, present himself or report to the nearest authorised officer, village Executive Officer, or a justice of peace and apply for recognition as a refugee.

Determination
of status

(2) In the case of a person who is lawfully in Tanzania and is subsequently unable to return to his country of origin for the reasons within the meaning of section 4 he shall, prior to the expiration of his

lawful stay, present himself or report and apply to an authorised officer for recognition as refugee in accordance with the provisions of this Act.

(3) Without prejudice to the provision of this section, no person claiming to be a refugee within the meaning of section 4 shall merely for reasons of his illegal entry be declared a prohibited immigrant, detained or penalized in any other way save that any person who after entering Tanzania or who is within Tanzania fails to comply with subsection (1) of this section shall be guilty of an offence.

(4) if the authority to whom the person reports or represents himself in

accordance with sub-section (1) of this section is not an authorised officer he shall instruct the person claiming to be a refugee to apply for recognition of his refugee status and refer him to an authorised officer.

(5) In applying for refugee status the applicant shall-

- (a) immediately fill in a prescribed application form and the application shall be registered by an authorized officer within the 'local area of his point of entry into Tanzania. In addition to the application form, he shall be entitled to make any statement and submit evidence in support of

his claim, if he so wishes;

- (b) the authorised officer shall interview the applicant and reduce the interview into writing. The transcript shall be read to the applicant who may make corrections before it is signed by both the interviewing officer and the applicant. If the applicant does not wish to sign the transcript the reasons for declining shall be indicated;
- (c) the authorised officer shall as soon as possible transmit -the application forms and any statements, transcripts or

evidence in support thereof to
the Director;

- (d) the Director shall upon receipt of the application submit the same before the Committee, ensure that the Committee convenes and considers the application within a period of sixty days from the time of making application, provided that the Director for reasonable cause may extend the period of sixty days;
- (e) the office of the Director shall inform the UNHCR Representative in Tanzania of

the presence in Tanzania of any person claiming to be a refugee and such person shall be informed of his right to contact the UNHCR office in Tanzania.

- (6) The Committee shall-
- (a) have before it application forms, statements, transcripts and any additional information previously given by the applicant to the authorised officer and the UNHCR representative in Tanzania-
 - (b) if deemed appropriate investigate and seek all relevant information from

appropriate sources within and outside the country, provided that the authorities of country of origin shall not be contacted by the Committee-

- (c) be at liberty to summon the applicant before it whenever deemed necessary to clarify or Answer questions pertaining to his claim for refugee status and, or asylum.
- (d) if deemed necessary call any other person to appear before it and may consider any other relevant or written submissions;
- (e) the recommendations of the

Committee shall be referred to the Minister who without delay shall decide on the recommendations and shall cause the applicant to be informed of his decision through the Director-

- (f) the Director shall inform the UNHCR representative in Tanzania of the Minister's decision without delay;
- (g) where refugee status has been denied, the Director shall inform the asylum seeker of his right to **Petition for a review to the Minister** within seven days in accordance with sub-section (7) of this section;
- (h) in dealing with an application under this section, the asylum seeker may be permitted to bring along a competent interpreter if necessary.

(7) Any Person dissatisfied by the decision of the Minister recognizing any Person or category of person as refugees or rescinding or withdrawing the refugee status under this section, may petition for a review to the Minister within, seven days from the day he is informed of such decision,

(8) Any petition under sub-section (7) of this section, shall be submitted in writing to the Minister whose decision on the matter shall be final. .

(9) Any person whose application for refugee status and asylum, has been rejected in accordance with this section, shall be deemed to be an legal immigrant and shall be dealt with in accordance with, the provisions, of The Immigration Act, 1995 unless such person has been accorded a mandate refugee status by UNHCR pending his resettlement or relocation by UNHRC to another country within a specified period.

Act No. 7
of 1995

*PART III*PROVISIONS APPLYING TO
REFUGEES GENERALLY

Places of entry,,
or departure
and routes

10.-(1) The Minister or, as
the case may be the competent
authority may, by order in writing-

- (a) direct that any asylum seeker
or refugee entering or leaving
Tanzania shall enter or leave
by specified routes or at
specified places;
- (b) direct that any asylum seeker
or refugee moving from one
part of Tanzania to another
shall move by specified routes.,

(2) The Minister or, as the case may
be, the competent authority may specify

terms or conditions for orders made under subsection (I) of this section as it deems fit.

(3) Any asylum seeker or refugee who contravenes an order made under this section or the terms or conditions thereof, shall be guilty of an offence against this Act.

11.(1) Every asylum seeker or refugee who brings any arms or ammunition into Tanzania *shall* immediately surrender such arms or ammunition to an authorized officer.

Surrender of
weapons

(2) The competent authority may, by order in writing, direct that any asylum seeker or refugee in his area shall, with

such time as may be specific, in the order
surrender to authorised officer any other
weapon or weapons or any instrument
tool so specified which is in, or come into
his possession, unless the, possessor thereof
has written; authority to retain the same
signed by the competent -authority-in that,
behalf

(3) Any-asylum seeker or refugee.
who fails. to surrender any arms
ammunition, weapon instrument or tool in
accordance -with this section or any order;,
made hereunder,. shall be guilty of an offence
and shall be liable on conviction to imprisonment
for a term no exceeding two years.

(4) In this section "arms," and "ammunition" have the meanings respectively ascribed to those expressions in the Arms, and Ammunition Act, 1991 and the provisions *Of* this section in relation to arms and ammunition, are in addition to, not a substitute of the provisions of the. Act aforesaid.

Act No.2
Of 1991

12.-(I) No asylum seeker or, refugee to whom this- section applies shall remain in Tanzania, unless-

,Permit to
remain in,
Tanzania

- (a) he is issued with a permit to remain in Tanzania;
- (b) he complies with the terms or conditions from time to time annexed to such permit or issued to him in writing by the Director.

(2) An authorized officer, appointed in that behalf shall not refuse asylum seeker or refugee, a permit -under this, section if. the officer has, reason to believe that the refusal

of a permit Will necessitate the return of the asylum seeker or refugee to *the* territory from which 'he entered Tanzania and that the asylum seeker or refugee will be tried or Punished, for an offence of a political character after arrival in that territory or is likely to be persecuted in that territory. The authorised officer may however, subject to assigning a valid reason after approval of the Director refuse to issue a permit.

(3) If any asylum seeker or refugee to whom this section applies fails to obtain or is denied a permit in accordance with this section, his Presence in Tanzania shall, notwithstanding anything Contained in section 2 of the Immigration, Act of 1995,1 be unlawful and an Offence under this Act.

Act No. 7
Of 1995

(4) Where a permit is denied under this section, the applicant may petition to the Director within seven days from the date of denial, for a review of his application of a permit to remain in Tanzania,

(5) Where the applicant elects to petition to the Director to review his case he shall put his grounds in writing and present them to the Director. The Director shall consider the grounds expressed in such petition and determine whether to grant the permit or not.

(6) Where the Director, confirms, the denial of grant of the permit to the applicant, such applicant may appeal to the Minister within seven days from the day he receives results of his petition for review by presenting his grounds in writing to the Minister whose decision to grant or deny the permit shall be final.

Provided that such appellant shall be allowed to remain in the country until finalization of his appeal and that the Provisions of subsection (3) of this section shall apply immediately after the finalisation of the appeal.

(7) Any asylum seeker or refugee to whom a Permit has been issued under this

section who fails to comply with the terms and conditions thereof shall be guilty of an offence, under this Act.

Detention and
slaughter of
animals

13.-(1) The competent authority may direct that any animal imported into his area from outside Tanzania, by any person whom he has reason to believe to be an asylum seeker -or a refugee shall be kept in such place as he Shall direct or shall be slaughtered or otherwise disposed of.

(2) If any animal is slaughtered or sold as a result of any direction given under the provisions of subsection (1) of this section the competent authority shall ensure

that the proceeds of the, sale , less the expenses incurred; thereof in the disposal of the animal are- paid to the, person from whom the animal was seized or the. owner thereof.

(3) The proceeds of a sale: directed under the provisions of sub-section (2), less the expenses of the sale, shall, if they are not paid to die person, from whom the animal was seized or the owner of the animal, be paid into the Refugees Trust as provided for under section 15 of this Act.

(4) Notwithstanding any other provision of this section, if a veterinary officer in the service of the Government is of the opinion that in order to prevent the

spread of disease it is necessary to slaughter any animal which, he has reason to believe belongs to-an asylum seeker or a refugee such animal shall be slaughtered as the veterinary officer directs.

(5) Any person who in any way obstructs the carrying out of any direction given under the provisions of this section shall be guilty of an offence against this Act.

Possession of
vehicle of
asylum seeker
or refugee

14. The competent authority may take, or authorize an authorized officer to take, possession of any vehicle in which any person whom he has reasonable cause to believe to be an asylum seeker or a

refugee arrived in his, area and authorize its use in the area for the purpose of Moving asylum. seekers, or refugees, or any store or equipment for their use.

Provided that the ownership of the vehicle taken possession of under this section shall remain with the rightful owner or the person from whom it is taken and the vehicles shall be returned to him as soon as is practicable.

PART IV

SPECIAL PROVISIONS WHICH MAY
BE APPLIED TO REFUGEES

15. (a) The Minister may The Refugees
establish a public trust to Trust Fund
be known as Tanzania

Refugee's Trust Fund
which shall be operated
under the Trustees
incorporation Ordinance
(Cap. 375) by trustees whose
numbers shall not be less
than five or more than
eight members and
composed of-

- (i) the Director who
shall be the
Chairman;
- (ii) the Representative
of UNHCR Branch
office for
Tanzania;
- (iii) a representative
from Tanzania Red
Cross;

- (iv) two refugees, one of whom shall be a resident of a designated area;
 - (V) and any other two persons with experience and keen interest in refugee matters.
- (b) The Refugees' Trust Fund established under this section shall be a charitable body capable of suing and being sued and shall have power to hold fixed and movable property which shall be used in accordance with the recommendations of the Trustees
- (c) The property, of any refugee who dies intestate, or which was unlawfully acquired or which cannot be lawfully

"repatriated by refugee owner or possessor on Voluntary repatriation or resettlement or deportation outside Tanzania which cannot be lawfully used or utilised. by the refugee owner, possessor or beneficiary thereof for any reason whatsoever shall vest into the Refugees' Trust Fund.

- (d) The Refugees' Trust Fund shall have power-
- (i) to devise any lawful means of raising funds and property including receiving gifts, presents, donations from any person within or outside the country et cetera;
 - (ii) to utilize the funds or property in accordance with the recommendations of the Trustees.

- (e) The Refugees' Trust Fund quorum shall be constituted by a minimum of half of existing members. In case of a tie up, the Chairman shall have a casting vote.

16.-(1) The Minister may, by notice in the Gazette, declare any part of the United Republic of Tanzania to be a designated area.

(2) The Director of Refugees Services shall appoint a settlement officer to be incharge of such refugee settlement or of such reception, transit or residence area for asylum seekers or refugees.

(3) Every settlement, reception, shall include all the land and buildings within the

settlement, reception, transit, or residence boundaries or enclosure and also any other land or buildings belonging or attached thereto and used by the asylum seekers, or the refugees

(4) In any writ, warrant, instrument or other legal document in which it may be necessary, to describe a particular designated area by reference- to the name of the place or town where it is situated', or other definite description such writ, warrant,, instrument or legal document shall be valid and sufficient for all purposes.

Provided that geographical boundaries shall clearly be spelt out in the declaration and establishments referred to in subsection (1) of this section respectively.

17.-(1) The competent authority in Requirement to consultation with the Minister or the reside in a Director may by order, require any asylum designated area seeker or refugee or group or category of refugees to whom this section applies who is within his area to reside within a designated area whether or not such area is within the jurisdiction of competent authority.

(2) The competent authority in consultation with the Minister, or the Director may require any asylum seeker or refugee or group or category of refugees to whom this section applies who is within a

designated, area, within such competent authority's area to-move to or reside in any other designated area whether within such competent authority's area or not.

(3) Any asylum seeker or refugee to whom an order made under this section applies who-

- (a) fails to comply with such order-or
- (b) fails to or take up residence in a designated area in accordance with such order within reasonable time; or
- (c) having arrived at a designated area, in pursuance of such order, leaves or attempts to leave such area, except in

pursuance of some other order
or permit made under this
section, shall be guilty of an
offence against this Act.

(4) The competent authority or the
Director as the case may be, may vary,
revise or cancel any order or requirement
made by him under subsections.(1) or (2) of
this section.

(5) (a) No asylum seeker or
refugee shall be allowed
to leave a designated
area as directed under
this section unless he has
sought and obtained a
permit from the Director or
Settlement Officer as the

case may be, and,
subject to' such terms
and conditions as t e

the Director or a Settle-
ment Officer may, pre-
scribe in the permit.

- (b) No asylum seeker or
refugee may be allowed
to be out of a designated
area for more than
fourteen days unless the
the Director has allowed
in the permit a longer pe-
riod upon which an asy-
lum seeker or a refugee
may stay outside the des-
ignated area.

(6) Any asylum seeker or refugee to whom a permit or travel document has been issued under this section who fails to comply with the terms and conditions thereof shall be guilty of an offence against this Act.

18.-(I) The Minister may make Control of rules, and the Director may issue directions designated area not inconsistent with such rules, for the control of designated area and, without prejudice to the generality of the foregoing, such rules and directions may make provision in respect of all or any of the following matters-

- (a) the organization, safety, discipline and administration of such area;
- (b) the reception; transfer, residence, settlements, treatment, health and well-being of asylum seeker or refugee;
- (c) the manner of inquiring into disciplinary offences and the payment of fine and other penalties.;
- (d) the establishment and regulation of lock-ups and the custody of persons therein; and

- (e) the powers of settlement officers
the of such
powers.

(2) The Director or settlement officer may give such orders or directions, either orally or in writing, to any asylum seeker or refugee as may be necessary or expedient for the following purposes that is to say-

- (a) to ensure that the designated area is administered in an orderly and efficient manner;
- (b) to ensure the performance of any work or duty necessary for the maintenance of essential services in the designated area or for the general welfare of

the asylum seekers or refugees

therein

(c) to. ensure that all proper precautions are taken to preserve the health and well-being of the asylum seekers or refugees therein-

(d) to preserve orderly conduct and discipline in the designated area.

(3) Any asylum seeker or refugee who-

(a) without a permit in that behalf issued under section 17 leaves or attempts to leave a designated area in which he has been earmarked to reside;

or

- (b) in a designated area disobeys any rules made by the

Minister, any direction of the competent authority, the Director or any order or direction of a Settlement Officer, made or given under this section; or

- (c) in a designated area conducts himself in a manner prejudicial to good order and discipline,

shall be deemed to have committed a disciplinary offence.

(4) The Director or a settlement officer may inquire into any disciplinary offence and if he finds that an asylum

seeker or a refugee has been guilty of such disciplinary offence may punish him by-

- (a) ordering his confinement in a settlement or camp lock-up for a period not exceeding three days; or fining exceeding
- (b) fining him a sum not exceeding five thousands shillings

Administration
of a designated
area

19.- (1) The Minister where he deemes appropriate, may establish by notice published in the Government Gazette an administrative Organisation for asylum seekers 01 refugees in any designated area.

(2) Such administrative organisation for asylum seekers or refugees shall comprise ten cell leaders at the lowest lever road committees') village committees in designated areas or councils at the, highest level.

(3) At every administrative level established under this section, there may be established any of the following committees or subcommittees for undertaking any activities relevant to the name of the Committee:

- (a) finance and administration;
- (b) law and order;
- (c) Economic and planning and
- (d) community development and social welfare.

(4) Asylum seekers' or Refugees'

leaders and representatives at all levels of the administrative organisation established under this section or Act unless otherwise provided in this Act or other valid law, shall be elected by secret ballot based on the principles of equality and universal suffrage without any discrimination as basis of sex, clan, tribe, nationality, race or religion.

- (5) (a) Any designated area's council or village committee may apply to the Director for registration of their council or committee as corporation sole under the relevant law capable of carrying out

commercial or public
enterprise, suing and
being sued and of "
holding fixed and

movable properties.

(b) In case the Director refuses to register or issue with a certificate of incorporation, the affected council or committee may appeal in writing within 14 days to the Minister who may confirm, or vary the decision of the Director as he deems appropriate and the decision of the Minister shall be final provided that the affected council or committee shall be

allowed to apply de novo after expiration of one year from the time their previous 'application for incorporation was refused by the Director or on appeal.

- (c) The Director shall keep registers for application and registration of corporation soles for this purpose which shall be treated as public records.

(6) The Minister may make regulations published in the Government Gazette providing for the functioning or better carrying out of any matter covered under this section.

20.-(1) No person other than a refugee, required to reside or residing in, a designated area shall enter or be within such designated area except with the general or special permission of the Minister, the competent authority, the Director or the Settlement Officer.

Restriction on persons entering designated area or addressing asylum seekers or refugees in such areas

(2) No person other than the competent authority, an authorised officer or a person, authorized in that behalf by the competent authority or the settlement officer, may in a designated area address an assembly or meeting of more than five asylum seekers or refugees whether or not such meeting is held in a public place.

the

(3) Any person who contravenes the provisions of this section shall be guilty of

an offence against this Act and shall be liable on conviction to a sentence of imprisonment not exceeding five years or a fine not exceeding two hundred thousand shillings or both

Powers of competent authorities outside their areas

21.-(I) Where a competent authority having power in that behalf-

- (a) orders any asylum seeker or refugee to be detained in prison under section 27† or
- (b) orders any asylum seeker or refugee to reside in any designated area of section 17,

such order shall have effect throughout the United Republic of Tanzania.

- (2) In making an order which is

likely to affect the life or status of a person claiming to be a refugee, the Minister or the competent authority shall have regard to Part III of Chapter I of the Constitution of the United Republic, and the relevant International Conventions on refugees which stipulates on treatment of refugees.

PART V

MISCELLANEOUS

22. Any rules, orders or directions made by the Minister under this Act shall be in Government Gazette. Any other rules, orders or directions given by an authorised officer other than the Minister may be published in such manner as the authority making the same considers appropriate in

order to bring the same to the notice of the persons to whom they apply or who are affected thereby but, shall not be required to be published in the *Gazette* provided that any such rule, order or direction which is applied or directed to any individual person shall, if in writing, be served on, and if not in writing, be given to, the person or group of persons affected.

Communication
Minister, the
Director and
competent
authority and

23. Any application, petition for review or appeal made by an asylum seeker or a refugee to the Minister, the Director or a competent authority must be done in Writing in a prescribed manner.

(2) Any decision made on an

application, petition for review or appeal must be communicated to the applicant in writing in a prescribed manner. asylum seeker or refugee

24.-(1) Any asylum seeker or refugee who fails to obey any lawful order of the Minister, the competent authority, the Director or of a settlement officer or who obstructs any officer in exercise of his power under this Act, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding six months or fine not exceeding fifty thousand shillings or both. Offences and penalties

(2) Any person, who is guilty of an offence against this Act for which not penalty is specifically provided shall be

liable on conviction to imprisonment for a period not exceeding six months or fine not exceeding fifty thousand shillings or both.

(3) Where any act or omission constitutes both a disciplinary offence under section 18 and an offence punishable under this Act on conviction, an asylum seeker or a refugee shall not be punished for the same act or omission both as a disciplinary offence and a penal offence punishable on conviction.

Prevention,
arrest, search,
seizure and
investigation

25.-(1) A settlement officer may arrest without a warrant, any person when he has reasonable ground for suspecting to have committed an offence or a disciplinary, offence under this Act and

such person may be detained in custody in a settlement or camp lock-up in accordance with this Act.

(2), A person, detained under subsection (1) of this section for a disciplinary offence, shall not remain in such custody for a period exceeding twenty four hours before any disciplinary proceedings are completed against him.

Provided that, a settlement officer may grant bail to a person who is otherwise subject to detention under subsection (1) and (2) of this section upon that person executing a bond with or without sureties to appear before him if so required.

(3) Where a person is detained under subsection (1) of this section for an offence

Act No. 9
of 1985
Act No. 2
of 1984

under this Act, he shall be produced before the court within twenty four hours after the arrest or as soon as practicable thereafter and subsequently such person may be remanded or granted bail by the court in accordance with this Act or the Criminal Procedure Act, 1985 or the Magistrates' Courts Act 1984.

(4) A settlement officer shall have same powers as police officer of the rank of constable for purposes of prevention, arrest, search, seizure and investigation of crime under this Act. Provided that, a settlement officer or any other refugee officer acting on his behalf shall have the same powers as a police officer commanding station or of an Inspector of Police.

26. An authorized officer or any person acting with the authority of an authorized officer may use such force as may be necessary to compel any asylum seeker or refugee with any order or direction, whether oral or in writing, given under or pursuant to the provisions of this Act. Use of force to effect arrest

Provided that before any force is used under this section, an authorized officer or any person acting with the authority of an authorized officer shall inform the asylum seeker or a refugee that he is about to use such force to compel him (asylum seeker or refugee) to comply with any order or direction.

Detention of , 270-(I), If the Minister or, as the case
asylum seeker may any competent authority appointed
or refugee by, the 'Minister in that behalf is satisfied
that any asylum seeker or refugee is acting
in a manner prejudicial to peace and good
order or is Prejudicing the relations between
the Government of Tanzania and any other
Government, he may, by order in writing,
direct that asylum seeker or refugee be
detained in prison for a period not
exceeding three months. Provided that for
any excess period the Provisions of the
Preventive Detention Act, 1963 shall apply
or he shall be released.

Cap-490

(2) If it appears to the Minister or, as

the case may be, any competent authority appointed by the Minister in that behalf that it is likely that any asylum seeker or refugee has committed any offence in any other territory, for which he has not been punished, being an offence which, if committed within Tanzania, would be punishable by imprisonment, the Minister or such competent authority may by order in writing, direct that such asylum seeker or refugee be detained in prison.

Cap-585

Provided that if no extradition proceedings under Extradition Ordinance are commenced against him for a period of three months thereof he shall be released.

(3) An order under subsection (1) or (2) shall be sufficient authority for any

authorized officer to arrest the asylum seeker or refugee to whom it applies and to detain him in custody pending or during his transfer to prison and for the officer in charge of a prison to hold such asylum seeker or refugee in custody as an unconvicted prisoner until a release order is issued by the Minister or the period of three months has expired. Provided that where any such order is made by a Competent authority the order shall, unless confirmed by the Minister, expire at the end of the fourteenth day from the day he was arrested and the asylum seeker or -refugee to whom any order of detention under this section applies shall not be arrested again for the same reason after he has been

released in accordance with this Act.

(4) The Officer in charge of prison on releasing any asylum seeker or refugee under this section, shall hand over an asylum seeker or refugee to the nearest authorised officer who shall take such person to the Director or designated area.

Such person to the Director or designated area.

(5) For the avoidance of doubt, any officer in charge of a prison or any other place of confinement where any asylum seeker or refugee is kept under this section, shall have power to release such inmate without any further order from or reference to the Minister or competent authority basing the time limit set under this section provided he conforms with subsection (4) of this section.

Deportation, of
asylum seeker
or refugee

· .28-(I) (a) The Minister or as
the case may be, competent authority
appointed by the Minister on that behalf
may at any time order in writing that-

(i) . any asylum seeker who has not
qualified to be granted refugee
status under section 4 of this
Act, or

(ii) a refugee who is dangerous to
the security of the state or has
ceased to be a refugee shall be
deported from Tanzania by such
means or route as he may direct;

(b) a refugee deported under
subsection (a) of this section

shall be informed in writing
about his- deportation;

- (c) a refugee who is issued with a deportation order under this section may appeal to or may petition for review to the Minister or a competent authority within seven days from the date he is served with the deportation order. Where the petition or review has been filed to the competent authority such competent authority shall immediately transmit the same to the Minister-
- (d) the Minister in consultation with the Director may consider the

appeal or review and shall have power to confirm, or- revoke the deportation order

provided that pending the determination of the appeal or review by the Minister the deportation order issued shall not be executed.

(2) A court convicting any asylum seeker or refugee of an offence under the provisions of this section, shall order the deportation of such asylum seeker or refugee to the territory from which he entered Tanzania or any other country of his choice which shall take effect immediately after commition or after serving the sentence,

(3) When any person is deported under sub-section (1) or (2) of this section he may be held in custody pending deportation.

(4) No order shall be made under subsection (1) or (2) in respect of an asylum seeker or, a refugee if the Minister, the competent authority or the court, as the case may be, is of the opinion that such a person will be tried or punished for an offence of a political character after arrival in the territory from which he came or is likely to be the subject of physical attack in such territory.

(5) Any asylum seeker or refugee who fails to comply with an order made under this section shall be guilty of an offence under this Act.

Protection of
bonafide act

29-41) No person who does or omits to do anything in the execution of his duty under this Act shall be subject to any personal liability whatsoever if the same act or omission was *bonafide*.

(2) Save as provided in subsection (2) of section 13, no compensation shall be payable and no action shall be brought against any person acting in the execution of his duty under this Act for any damage done or loss occasioned by, the detention or slaughter of any animal under the powers conferred by section 13, or the detention or use of any vehicle under the powers conferred by section 14.

30.-(I) The Director shall register Registration of and keep records of all asylum seekers and asylum seekers refugees present and the designated areas and refugees established in Tanzania and for this purpose he shall be deemed to be the Registrar of asylum seeker and refugees provided that he may delegate in writing this function to settlement officer or refugee officers.

(2) The Minister may appoint any public officer to be assistant registrar of asylum seekers or refugees for any specific area by order published in the Government Gazette:
provided that such appointed assistant registrars within the areas of their jurisdiction shall carry out their functions

under the direction and supervision of the Director.

(3) Where a Ward Development Committee is established for asylum seekers or refugees in a designated areas, the Chairman of the same shall be the Settlement Officer and where need arise for representation in any Local Government organ must be done by a citizen of Tanzania being, the Settlement Officer or Refugee Officer appointed by the Director in that behalf and shall represent the organisation concerned provided that representatives of refugees may be allowed to accompany the settlement officer or refugee officer as an observer.

(4) The Minister where he deems

appropriate may by, notice published in the Gazette, establish any administrative arrangement or non political organisation for refugees or , asylum seekers in any designated area with a ten cell leader system at the lowest level up to the Committee, Council or apex organised at the highest level.

Provided that, representatives or leaders in such administrative arrangement or organisation shall conform as far as is practicable with the basic principles of election by universal suffrage and secret ballot.

(5) The registration of asylum seekers or refugees under this Act is without prejudice to any other registration

laws requiring registration of persons resident or present in Tanzania.

(6) Any asylum seeker or refugee who fails to register himself under this Act, shall be guilty *of* an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for not more than three years or to both fine and imprisonment.

Education for
refugees

Act No. 25
of 1978

31.-(I) Every refugee child shall be entitled to Primary Education in accordance with the National Education Act 1978 and every refugee adult who desires to participate III adult education shall be entitled to do so in accordance with the Adult Education Act;

(2) Every refugee shall be entitled to post primary education⁶ in accordance with rules made by the Minister in accordance with subsection (3) of this section.

(3) The Minister in consultation with the Minister responsible for education as regards secondary education and in consultation with the Minister responsible for higher education other than secondary education shall make rules prescribing-

- (a) fees;
- (b) categories of schools, colleges or universities a refugee student can, be enrolled and
- (c) prescribing any matter that May need to be regulated for purposes of better and effective implementation of this section.⁶

Work permit for
refugees

32.-(i) The Director may grant work permit to any refugee who qualifies for the same.

(2) The Director may- revoke any work permit granted under this section for any good course he deems appropriate provided that, before revocation the Director shall give thirty days notice of the intended revocation to the refugee and the employer of the refugee. The refugee or employer affected by any permit revocation may make any presentation to the Director in relation. to the revocation within twenty one days upon receipt of such, the Director shall consider them and make his decision for or against such revocation with fourteen days.

(3) The Minister in consultation with Ministry responsible for Labour, may make rules on, the model or type of permits to be issued under this Act, time limit of the permits and renewals, the qualifications and procedures for applying for or renewing the permits, and fees, their revocations or representation for review thereof and any forms ensuing therefrom.

(4) Any refugee who works or engages himself in any activity without permit, will be committing an offence under this Act, and shall be liable on conviction to a fine not exceeding two hundred thousand shilings or imprisonment for a period not exceeding three years or both fine and * imprisonment.

Payment of
taxes

33. Any asylum seeker or refugee residing in Tanzania shall be liable to pay any taxes according to the laws of this country.

Voluntary
repatriation

34.-(I) An asylum seeker or refugee shall have right at any time to return voluntarily to the country of his nationality or from which he entered Tanzania and any action or omission intended to prevent or restrict or which has the effect of preventing or restricting any asylum seeker or refugee from voluntary repatriation except in the due process of the law is hereby prohibited.

(2) A refugee who leaves Tanzania on voluntary repatriation or who ceases to be a refugee for 'any other cause shall surrender all his travel documents, identity card permits or any other documents which he acquired by virtue of being a refugee and may take with him any movable property which he lawfully owns

provided he complies with any existing procedures or laws covering such property or the exportation of such property.

(3) Any movable property or immovable property belonging to any asylum seeker or refugee who leaves the country permanently or on voluntary repatriation at the time of his departure shall be left to be disposed off lawfully and be deemed to be left under the safe custody and control of the Director and the Government shall pay fair and adequate compensation to the owner of the property prior to the time of his departure.

(4) Where fair and adequate compensation has not been paid to the refugee owner within one year from the time the refugee leaves Tanzania such property shall vest into the Refugee Trust whose trustees shall be free to keep it as a

refugee property in which case the Refugee Trust shall pay the requisite fair and adequate compensation to the refugee owner or his legal representatives or shall sell it at the market, price the proceeds of which after deduction of its necessary costs shall pay it to the refugee owner or his legal representatives.

(5) Any person who fails to comply with any provision of this section shall be guilty of an offence under this Act.

Family re-union 35.-(I) A recognised refugee resident in Tanzania who wishes to join or to be joined by any member of his family outside or within Tanzania respectively

shall make application for family re-union to the Minister through the UNHCR or the Director who shall submit the application to the Committee which shall recommend to the Minister whether to allow the family re-union or not provided that such family re-union shall not take place before permission is granted under this section. Failure to abide to this Provision shall be an offence under this Act.

(2) Any affected or aggrieved person by the decision of the Minister refusing or granting family re-union may file a petition for review to the Minister.

(3) Where there is disunity in the family of a refugee as a result of divorce,

Act No. 7
of 1995

separation, death et cetera any member of that family may remain in Tanzania and shall have to apply within a maximum period of 2 years from the time of disunity of the family for the acquisition of the refugee status on his own right or for a legalisation of the residence in Tanzania under the immigration Act, 1995, failure of which shall be an offence under this Act provided that where such application has been made he can remain in Tanzania until the final decision of the application is made.

Act No. 7
of 1995

(4) For the purposes of this Act, members of a family shall only include a husband or wife lawfully married and their children who are below 18 years of age and any dependant as ascribed by the Immigration Act 1995

Resettlement

36.-(1) A refugee residing in Tanzania shall have the right to resettle in any other country outside Tanzania and may apply in writing to the Minister for the same at any time.

(2) A refugee residing outside Tanzania may before entering Tanzania and through the UNHCR or OAU (Refugee Bureau) apply to the Minister for resettlement into Tanzania and it is hereby prohibited that he shall not be allowed to enter Tanzania until his resettlement into Tanzania has been granted, the disobedience of which shall be an offence under this Act,

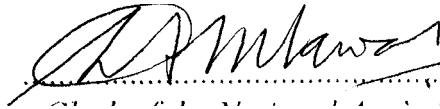
(3) The Minister on receiving any application for resettlement in Tanzania shall consider the application and may submit it to the Committee which shall make recommendations for his further consideration.

Repeal of Act No. 2 of 1966

37.-(I) The Refugees Control Act, 1966 is hereby repealed.

(2) Notwithstanding the repeal of this Act, any acts or anything done or any rules, orders or directions issued under the repealed Act shall remain valid as if done or issued under this Act.

Passed in the National Assembly on the 5th November, 1998



Clerk of the National Assembly