

THE TANZANIA PASSPORTS AND TRAVEL DOCUMENTS
ACT, 2002

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THE UNITED REPUBLIC OF TANZANIA



No. 20 OF 2002

I ASSENT

*Benjamin W. Mkapa**President**31 December, 2002*

An Act to provide for the issuance, control and cancellation of passports and travel documents and to provide for other incidental matters.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Tanzania Passports and Travel Documents Act, 2002 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short
title and
Com-
mence-
ment

2. In this Act unless the context otherwise requires:

"Act" means the Tanzania Passports and Travel Documents Act, 2002;

"competent authority" means the Director of Immigration Services or an Immigration Officer to whom power to issue passports or travel documents has been delegated, Tanzania diplomatic missions and consular officers abroad vested with power to issue passports or travel documents;

"department" means the Immigration department;

"Director," means the Director of Immigration Services;

"Government" means the Government of the United Republic of Tanzania.

"holder" means a holder of passport or travel document in terms of this Act;

Interpre-
tation

„migrant trafficking" means illegal trafficking of human beings across borders for purposes of prostitution employment, business or any other illegal transaction;

"Minister" means the Minister responsible for home affairs;

„passport" means a document in a booklet form issued to a citizen of the United Republic of Tanzania under this Act for the purpose of facilitating his movement across boundaries subject to laws and regulations of the country of destination or transit;

"travel document" means a document other than a passport issued under this Act.

PART 11

TYPES OF PASSPORTS AND TRAVEL DOCUMENTS

Types of
Passports
and
Travel
docu-
ments

3.-(I) The competent authorities shall, subject to the provisions of this Act, have power to issue various types of Passports and Travel Documents.

(2) Types of Passports and Travel Documents issued under subsection (1) shall include:

- (a) ordinary passports;
- (b) service passports;
- (c) diplomatic passports;
- (d) East African Passports;
- (e) an emergency travel document;
- (f) Certificate of Identity; and
- (g) Geneva Convention travel documents.

(3) Notwithstanding the provisions of subsection (2), the Minister may by order published in the *Gazette*, specify any document other than those specified under subsection (2) to be travel document for the purpose of this Act.

Passport
to remain
the pro-
perty of
the
Govern-
ment

4.41) A Passport issued pursuant to the provisions of this Act, shall be issued in the name of the President and shall remain to be the property of the Government.

(2) Notwithstanding subsection (1), a passport validly held under the provisions of this Act shall remain in the possession of its holder until its validity expires or until such time as there is lawful course to believe that it is not desirable that it remains in the possession of its holder.

5.4 1) The competent authority that may authorize the grant of passport shall be the Director of immigration Services.

Powers to issue passports and Travel documents

- (2) The powers to authorize the grant of passports may be delegated to:
- (a) the Permanent Secretary of the Ministry responsible for foreign affairs in respect of a diplomatic passport;
 - (b) the Permanent Secretary (Establishments) in respect of a service passport;

6- The Director may, in writing:

- (a) delegate the power to issue passports and travel documents to any immigration officer; or
- (b) delegate his functions relating to the issuance or renewal of passports and travel documents to Tanzania diplomatic missions and consular offices abroad.

Delegation of powers of the Director

7. A passport issued under this Act shall contain information regarding matters specified in the First Schedule to this Act.

Contents of Passports

8.-- 1) An ordinary, service or diplomatic passport shall be valid-

- (a) for all countries in the world, except for any countries specified in the passport in respect of which it is stated not to be valid;
- (b) for a period not exceeding five years from the date of issue, but may be renewed for a further period of five years, provided that the total period shall not exceed ten years in aggregate.

Validity of Passports and Travel documents

(2) A service or diplomatic passport shall be surrendered to the Director upon the holder ceasing to hold office with respect to which the passport was issued.

(3) an East African Passport shall be valid-

- (a) for all member states in the East African Community;
- (b) for a period not exceeding five years from the date of issue, but may be renewed for a further period of five years, provided that the total period shall not exceed ten years in aggregate.

- (4) An emergency travel document shall be valid-
- (a) for the country of destination and other countries of transit;
 - (b) for a single journey for a period stated therein;

(5) A certificate of identity shall be valid for all countries, except where the Director has prescribed otherwise for a period stated into the certificate.

(6) A Geneva convention travel document shall be valid for all countries for a period of two years subject to renewal for another two years, provided that, the total period shall not exceed eight years in aggregate.

(7) Without prejudice to the preceding provisions of this section, in a fitting case the Minister may, after consultation with the Minister responsible for foreign affairs, authorize grant of diplomatic passport to business persons or persons who are travelling outside Tanzania in company of the head of Government delegation in an international conference or tour for the purposes of facilitating or promoting or soliciting business opportunities or for carrying on business in trade or industry

Re-
applica-
tion for a
new
passport

9--(1) A person whose passport has expired or whose passport cannot be renewed further shall make application to the Director of Immigration Services for a new passport.

(2) The provisions of section 12 shall apply *mutatis mutandis* to an application for a new passport made pursuant to this section.

Persons
entitled to
Passports
or Travel
Docu-
ments

10.4 1) An ordinary passport may be issued to any citizen of the United Republic of Tanzania for the purpose of travelling outside the United Republic.

(2) A service passport may be issued to any citizen of the United Republic of Tanzania who is in the public service or is holding office as respectively specified in the Second Schedule,

(3) A diplomatic passport may be issued to a citizen of the United Republic specified in the Third Schedule to this Act.

(4) An East African Passport may be issued to a citizen of the United Republic who intends to travel within the East African Community member States.

(5) An Emergency travel document may be issued to a citizen of the United Republic.

- (a) who is travelling on an emergency journey and does not fulfil the normal requirements of getting a passport;
- (b) who is stranded abroad and cannot get a passport or is being deported back home,

(6) A certificate of identity may be issued to a person other than a citizen of the United Republic of Tanzania who cannot obtain a passport from the country of which he is a citizen or does not have citizenship of any country for the purpose of travelling outside the United Republic of Tanzania.

(7) A Geneva Convention travel document may be issued to any refugee granted asylum in the United Republic of Tanzania pursuant to the provisions of the Refugees Act, 1998 for the purpose of travelling abroad.

11. The holding of a passport or travel document shall be prima-facie evidence of the nationality or domicile of the holder and of his entitlement to state protection.

Provided that, a mere possession of a passport or travel document shall not operate as a bar to inquiry, investigation or judicial proceedings against the holder if there are reasons to warrant such a course of action.

Passport or travel document to be evidence of nationality or domicile of the holder

PART III

PROCEDURE FOR APPLICATION FOR PASSPORTS AND TRAVEL DOCUMENTS

12--(1) A person who intends to travel outside the United Republic of Tanzania may submit application for a passport to the Director of Immigration Services in a manner as may be prescribed.

Applications for Passports

- (2) An application made under subsection (1) shall be accompanied by_
 - (a) a birth certificate or an affidavit of birth or a certificate of naturalization of the applicant;
 - (b) a birth certificate, or an affidavit of birth or certificate of naturalization of the applicant's parent or parents;
 - (c) recent, clear and un-mounted passport size photographs as may be directed by the issuing authority,
 - (d) in case of an applicant who is below the age of sixteen years, the parent's or legal guardian's written consent.

(3) An affidavit regarding the birth certificate referred to in paragraph (a) of subsection (2) shall be stated or sworn by-

- (a) a parent or legal guardian; or
- (b) a person who was present at the place of birth when the applicant was born and who is not less than five years above the age of the applicant; or
- (c) the applicant's close relative who was informed of the applicant's birth by the parents.

(4) Notwithstanding subsections (2) and (3), the Director of Immigration Services may require the applicant of a passport to produce evidence of citizenship of his parent.

Persons
to be
included
in the
holders'
Passport

- 11-4 1) The following persons may be included in the holders' passport.
- (a) a holders' child, step child or adopted child under the age of sixteen; or
 - (b) any minor child with the consent of his parent or legal guardian if he is a citizen of the United Republic of Tanzania.

(2) A person included in the passport in accordance with subsection (1) of this section shall not use the passport for travelling unless accompanied by the holder.

Applica-
tion for
replace-
ment of
Passport

14.-(I) Where a holders' passport is full or damaged in such a way that it requires to be replaced, the holder of such passport may apply for a new passport to the Director of Immigration Services in the prescribed manner.

(2) No person shall be issued with a new passport under subsection (1) unless the application is accompanied by the previous passport.

(3) The passport which was previously used and cannot be used any further shall immediately after the issuance of new passport be cancelled by the Director.

Lost or
stolen
passports

15. -(1) Where a passport is lost, stolen or severely damaged, an application for a replacement shall be accompanied by a sworn declaration of the circumstances surrounding the loss, theft or damage of the passport and authority to whom the loss, theft or damage was reported.

(2) The Director may, where a passport is lost, stolen or damaged outside the United Republic of Tanzania, issue or cause to be issued a passport or travel document to the applicant without the applicant having to comply with the provisions of this section, except that, the applicant concerned shall be satisfactorily proved to be a citizen of the United Republic of Tanzania.

16. A person who is desirous of being issued with-

- (a) an emergency travel document; or
- (b) a certificate of identify; or
- (c) a Geneva Convention travel document,

shall apply to the Director in the manner as may be prescribed.

Applica-
tion for
travel
docu-
ments

17-41) The Director may, where-

- (a) the holder of a passport or travel document permits another person to use his passport or travel document;
- (b) the holder of a passport or travel document has been deported or repatriated to the United Republic of Tanzania at the expense of the Government;
- (c) the holder has ceased to be a citizen of the United Republic of Tanzania;
- (d) the holder engages in illicit drug trafficking, money laundering, migrant trafficking, terrorist act or any other illegal transaction; and
- (e) it is in the national interest or national security,

at anytime revoke the passport or travel document granted or issued to the holder.

Reveoation
of
Passports
and
Travel
Docu-
ments

(2) The Director shall, on revoking the passport or travel document in accordance with subsection (1) of this section, inform the holder in writing, requiring him to surrender the passport or travel document and of the reasons for revoking such passport or travel document.

(3) The holder shall, on receipt of the revocation letter from the Director, surrender within the period stated therein, the passport or travel document to an authorized agent of the Government stated in the letter.

18. A person aggrieved by the decision of the competent authority to refuse an application, revocation or cancellation of passport or travel document may appeal to the Minister whose decision shall be final.

Appeals

PART IV
OFFENCES AND PENALTIES

Offences
and
Penalties

19.4 1) No person shall obtain a passport or travel document in contravention of the provisions of this Act.

(2) Any person who-

- (a) for the purposes of this Act, makes or causes to be made a false statement, or declaration;
- (b) having come into possession of a passport or travel document which belongs to another person;
 - (i) presents it as his; or
 - (ii) fails to hand it over to the holder, the department or any other Government agent,
- (c) forges, alters, defaces, destroys, damages or allows to forge, alter, deface, destroy or damage passport or travel document;
- (d) allows his or any other passport or travel document in his possession to be used for an unlawful purpose;
- (e) is found in possession of a forged, altered, defaced or damaged passport or travel document;
- (f) refuses or fails to return the passport or travel document to the department after he has been required to do so in terms of subsection (2) of section 17;
- (g) willfully issues or causes to be issued a passport or travel document to any person who is not entitled to a passport or travel document under this Act;
- (h) without any lawful authority is found to be in possession of more than one passport or travel document of the same type;
- (i) without any lawful authority makes, prints or binds any material, whether in part or in whole, with intent to produce a passport or any travel document;
- j) presents a forged, altered or false documents for the purposes of obtaining a passport or travel document;
- (k) fails or refuses to surrender to the Director of Immigration Services a service or a diplomatic passport as required under subsection (2) of section 8,

commits an offence, and is liable, upon conviction, to a fine of not less than two hundred thousand shillings and not exceeding one million shillings or to imprisonment for a period of not less than two years or to both such fine and imprisonment.

PART V

MISCELLANEOUS PROVISIONS

20. The Minister may make regulations for the efficient carrying into effect of the provisions of this Act and without prejudice to the generality of this provision, the Minister may make regulations prescribing-

Powers to
make
regula-
tions

- (a) passport and travel document issuing procedures;
- (b) the period of validity of travel documents;
- (c) any specified issuing centres;
- (d) application procedures under this Act;
- (e) procedures for renewal of passports or travel documents;
- (f) procedures for revocation of passports or travel documents;
- (g) various forms to be used under this Act; and
- (h) any other matter which need to be prescribed under this Act.

21.(1) Notwithstanding this Act, any person lawfully issued with passport or travel document according to the rules, circulars and procedures in force before the enactment of this Act, shall be deemed to have been issued the passport or travel documents pursuant to the provisions of this Act.

Saving
provi-
sions

(2) Without prejudice to subsection(1), any passport or travel document which was revoked or cancelled under the rules, circulars or procedures in force prior to the enactment of this Act, shall be deemed to have been revoked or cancelled under the provisions of this Act.

FIRST SCHEDULE

(Under section 7)

Passport Information

- (a) Full names of holder.
- (b) Nationality of holder.
- (c) Date and place of birth of holder.
- (d) Sex of holder.
- (e) photograph of holder.
- (f) Signature of holder.

- (g) The date and place of issue.
- (h) Expiry date of passport.
- (i) Signature of person issuing the passport.
- (j) Passport number.
- (k) Profession/occupation.
- (l) Height.
- (m) Colour of eyes.
- (n) Special peculiarities.
- (o) Permanent address.
- (p) Pages.

SECOND SCHEDULE

(Under section 10(2))

Persons Entitled to Service Passports

- (a) Regional Commissioner.
- (b) Regional Administrative Officer.
- (c) District Commissioner.
- (d) Registrar Court of Appeal or High Court.
- (e) Director of Public Prosecutions (DDP).
- (f) Chief Parliamentary Draftsman (CPD).
- (g) Director or Commissioner in Government Ministries or Institutions.
- (h) Commissioner in any Government Commission,
- (i) TPDF officers of a rank of Colonel or Brigadier General.
- (j) Personal Assistant and Advisor to President, Vice President, President of Zanzibar or Prime Minister,
- (k) Deputy Commissioner of Prisons.
- (l) Senior Assistant Commissioner of Prisons.
- (m) Assistant Commissioner of Prisons,
- (n) Deputy Commissioner of Police.
- (o) Senior Assistant Commissioner of police.
- (p) Assistant Commissioner of Police.
- (q) Assistant Director of Immigration.
- (r) Principal Immigration Officer.
- (s) Senior Immigration Officer
- (t) Senior public officers.

THIRD SCHEDULE

*(Under section 10(3))***Persons Entitled to Diplomatic Passports**

- (a) President of the United Republic of Tanzania,
- (b) Vice President
- (c) President of Zanzibar.
- (d) Prime Minister.
- (e) Chief Minister.
- (f) Minister and Deputy Minister.
- (g) Speaker of the National Assembly or the House of Representatives of Zanzibar.
- (h) Deputy Speaker.
- (i) Member of Parliament and member of the House of Representatives.
- (j) The Chief Justice.
- (k) Justice of Appeal.
- (l) Judge of the High Court.
- (m) Attorney General.
- (n) Ambassador.
- (o) Chief Secretary
- (p) Deputy Attorney General.
- (q) Permanent Secretary and Deputy Permanent Secretary,
- (r) Clerk of the National Assembly.
- (s) Chief of Defence Forces,
- (t) TPDF officers of the rank of or above Major General,
- (u) Inspector General of Police.
- (v) Commissioner of Police.
- (w) Principal Commissioner of Prisons.
- W** Commissioner of Prisons.
- (y) Governor.
- (z) Deputy Governor.
- (aa) Aide-de-Camp to the President.
- (bb) Aide-de-Camp to the Vice-President.
- (cc) Aide-de-Camp to the President of Zanzibar.
- (dd) Aide-de-Camp to the Prime Minister.
- (ee) Aide-de-Camp to the Chief Minister.
- (ff) Registrar of Political Parties.
- (gg) Chairman to any Government Commission.
- (hh) Director General of Tanzania Inteligency Security Services (TISS).
- (ii) Director General of Prevention of Corruption Bureau (PCB).
- (ii) Director of Immigration Services.
- (kk) Foreign service officer.
- (ll) Former President.
- (mm) Former Vice-President.
- (nn) Former President of Zanzibar.
- (oo) Former Prime Minister.
- (pp) Former Chief Minister.

- (qq) Former Speaker of the National Assembly or House of Representatives of Zanzibar.
- (rr) Former Deputy Speaker.
- (ss) Former Chief Justice.
- (tt) Former Chief Secretary.
- (uu) Former Attorney General.
- (vv) Former Justice of Appeal.
- (w-) Former Judge of the High Court.
- (xx) Former Chief of Defence Forces.
- (yy) Former Commissioner of Police.
- (zz) Former Inspector General of Police.
- (aaa) Former Principal Commissioner of Prisons.
- (bbb) Former Director General of Prevention of Corruption Bureau, (PCB),
- (cce) Former Director General of Tanzania Inteligency Security Services (TISS).
- (ddd) Heads of religious organization as the Director of Immigration Services may determine."

Passed in the National Assembly on 4th November, 2002.

Clerk of the National Assembly.