



International
Labour
Organization



TANZANIA- Extract SADC Labour Migration Stocktaking Report

SADC Labour Migration Policies and Governance: Brief summaries of key elements of Labour Migration Policies¹; Specific provisions pertaining to the employment of foreign workers²; and, Applicable requirements and procedures for obtaining work permits³.

Tanzania	
Type of permit	A residence permit is required to stay in Tanzania for more than 90 days. Three types: Class A: For self-employed foreigners (investors) Class B: For expatriates working in company/ private institutions. Class C: For other class of foreigners such as researchers, retired persons, Missionaries, Volunteers etc.
Application requirements	Most employees need to get a class B work permit and application must be made prior to the entry of the prospective employee into Tanzania

¹Available information indicates that only 5 SADC Member States (Eswatini, Lesotho, Namibia, Seychelles and Zimbabwe) have a National Labour Migration Policy, with Mauritius formulating a Migration and Development Policy and Malawi having reached the stage of publishing a Situational Analysis report in preparation for the drafting of its NLMP.

²The authors express their gratitude to Ms Zoe Isaacs for the permission to reproduce the information pertaining to the employment of foreign nationals found in the SADC Labour Law Guide that is maintained by the SADC Private Sector Forum (SPSF) and available at <https://www.sadclabourlawguide.spsf.org/bw/>

³Information regarding requirements and processes for obtaining work permits was primarily sourced from official government websites and from <https://www.globalization-partners.com/globalpedia/> No information was available for Comoros.

	<p>General requirements for class B (also for renewal after expiration)</p> <p>Dully filled online application,</p> <p>Application Letter</p> <p>Work Permit issued by Labour Commissioner (Tanzania Mainland and Zanzibar),</p> <p>A Copy of National Passport (With validity of not less than six month),</p> <p>Covering letter from the employer,</p> <p>Passport size photograph,</p> <p>One full size photograph</p> <p>Curriculum Vitae of the employee,</p> <p>Certified copies of the Academic Certificates,</p> <p>Official translation of documents/certificates in case they are written in languages other than English or Swahili,</p> <p>Job description for the expatriate/employee,</p> <p>Employment Contract</p> <p>Previous Original Class B permit (in case of renewal or replacement),</p> <p>Organization structure of the company</p> <p>Registration of certificates from professional boards where necessary e.g. NBAA, ERB, PSPTB, Nurses and Midwifery council, medical council etc or qualifications that require registration with authorized Institutions and Certificate, Clearance or Licenses be issued. These include: Accountants, engineers, Architects, Surveyors, Doctors, Teachers, Nurses, Pilots, Employees in Security Companies, Executive Personnel in Financial Institutions such Banks, Bureau De Change etc.</p> <p>Business License</p> <p>Memorandum and Articles of Association or Extract from Registrar showing Company shareholders, share distribution and nominal capital of the company</p> <p>Certificate of incorporation or Certificate compliance or Business Name Registration or Certificate of change of name</p> <p>Letter of no objection (if the application has shifted from another company)</p> <p>Tax Clearance</p> <p>Tax Payers' Identification Number (TIN) Certificate</p>
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Duration of permit	<p>For Class A: Generally 2 years for Class A permit holders and can be replaced for additional 2 years</p> <p>Class B: Class B permits are generally valid for two years and can be renewed for additional periods</p>
Employment of Foreign Nationals	<p>There are three classes of residence permits which are issued and regulated by the Immigration Act. All residence permits are generally not issued for any period exceeding 5 years (including renewals) subject to certain condition. The Non-Citizen (employment regulation) Act regulates the employment of migrant workers in Tanzania mainland. The Act does not apply to members of diplomat community or to other persons exempted by the Minister of Labour and Employment Matters. There are detailed provisions regulating the employment of non-citizens. The issuing of permits is restricted to specific classes of employment or other occupations specifically listed in the Government Gazette. Any person who wishes to employ or engage a foreign national must apply to the Labour Commissioner. The Labour Commissioner is primarily responsible for regulating and implementing the provisions of the Act. The Labour Commissioner also advises the Minister on all matters relating to the employment of non-citizens. Generally, the Labour Commissioner has the authority to issue work permits, cancel work permits, supervise and ensure the implementation of the succession plan as provided for by the employer.</p> <p>A non-citizen cannot engage in any work without a valid work permit or alternatively a certificate of exemption issued in accordance with this Act. When the application for the work permit is submitted to the Labour Commissioner, he must satisfy himself that all possible efforts have been explored to obtain a local expert. The Labour Commissioner when considering an application for a work permit must take into account all regional and bilateral agreements which the republic is a signatory. The Labour Commissioner may summon the person who lodged the application for a examination at such a time and place as he may specify. An employer intending to employ or engage a non-citizen must submit to the Labour Commissioner a succession plan which must set out a clearly articulated plan of succession of the non-citizens knowledge or expertise to the citizens during his tenure of employment, any other information as maybe directed by the Labour Commissioner. The employer must establish an effective training programme to produce local employees to undertake the duties of the non-citizen expert.</p> <p>Generally work permit are issued for a period of 24 months subject to renewals that must not exceed 36 months in total. A non-citizen must keep the work permit and produce it if so required. The Labour Commissioner may cancel a work permit if: the holder fails without reasonable cause, to comply with the condition</p>

	<p>prescribed in the work permit; the holder ceases to engage in the employment or occupation for which such permit was issued for; it has come to the knowledge of the Labour Commissioner that there is misrepresentation of information in the application; and lastly the Labour Commissioner is of the opinion that the continued presence of the permit holder jeopardizes public interest. Any person aggrieved by the decision of the Labour Commissioner to refuse to grant or cancel a work permit may, within thirty days appeal to the Minister.</p>
<p>National Labour Migration Policy</p>	<p>No information available</p>
<p>National Labour Market Institutions</p>	<p>The President appoints a Labour Commissioner and Deputy, responsible for administration of labour laws. The Minister appoints a Registrar of Organisations and Deputy responsible for regulation of trade unions and employer organisations in Act. The Minister shall also appoint Assistant Labour Commissioners to head up Labour Relations, Labour Inspection and Social Security sections. As many labour officers as are necessary to administer and enforce the laws are permitted.</p> <p>Labour officers have wide powers of entry, search, questioning and seizure. Where the labour officer has reasonable grounds to believe there has been non-compliance, the labour officer may issue a compliance order on the employer, registered trade union and each affected employee. The order should be displayed in a prominent place by the employer. If the employer wishes to object to the compliance order, this should be done within 30 days of receipt of the order, with a copy being served on the Labour Commissioner, union and affected employees. The Labour Commissioner may confirm, modify or cancel the order or specify compliance. If the employer fails to comply the issuing labour officer or Labour Commissioner, as the case may be, may apply to the Labour Court for enforcement. The Court may impose or suspend the order pending appeal.</p> <p>The Labour Court is established as a division of the High Court. It consists of a number of Judges and a Chief Justice. There are also two panels of assessors – one from the employers and one from the employees. Decisions are made by the Judge after taking into account the opinions of the assessors and if not in agreement with the opinions, reasons must be given. The Labour Court has exclusive civil jurisdiction over labour matters with all the powers of the High Court. The Labour Commissioner is able to refer any point of law to the Labour Court or Court of Appeal if there are conflicting decisions of the Court on the same point of law; and parties to the dispute have not appealed. Any registered organisation or federation may in relation to issues of law request to be joined as parties to the proceedings.</p>

