

LEGAL UPDATE

Special Immigration and Land Frameworks Proposed for Tanzanian Diaspora

- Diaspora special status to be granted
- Diaspora Tanzanite Card to be introduced
- Procedure for obtaining Tanzanite Card prescribed
- Restrictions on land ownership for non-citizens to be relaxed
- Special derivative rights to be created

On June 26, 2024, the Attorney General released the Written Law (Miscellaneous Amendments) (No.2) Bill, 2024 (referred to as "the Bill"). This bill outlines proposed modifications to eight distinct laws, including the Land Act and the Immigration Act. Specifically, the proposed adjustments within these Acts aim to establish a special immigration status and authorize holders of such status to partake in diverse economic and social activities. This includes the ability to occupy land through a special derivative right granted by the Commissioner for Lands.

The proposed amendments to the Immigration Act introduce a Special Status called the Diaspora Special Status (Special Status). This status will be granted to Tanzanian non-citizens in the diaspora, allowing them to enter, stay, or exit Tanzania for specific purposes as outlined by the law. The Bill defines a Tanzanian non-citizen diaspora as a person who was previously a citizen of Tanzania, excluding those who obtained citizenship through naturalization, or whose parent, grandparent, or other ancestor was a citizen of Tanzania.

In so far as the land ownership is concerned, the Bill proposes amendments to the Land Act to introduce special derivative rights which will be granted to holders of special status (whether individually or through a company whose majority shareholders are persons who are holders of special status) who have been issued with Diaspora Tanzanite Cards under the Immigration Act. The proposed amendment will enable a diaspora with special status to own or dispose of land acquired through any means including inheritance or sale. The special derivative right will serve as a right of occupancy issued under special terms and conditions.

It should be noted that the current Land Act permits the ownership of land by Tanzanian citizens or companies with a majority of Tanzanian shareholders. Consequently, if the proposed amendments are approved by Parliament, it would relax the restrictions on non-citizens owning land. Should the Bill be passed, the nature of the regulations to incentivize Tanzanians in the diaspora to return will be of interest.

