

TANZANIA CITIZENSHIP

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1.0 INTRODUCTION:

Matters relating to citizenship in Tanzania are governed by the Tanzania Citizenship Act, Cap 357 (R. E. 2002), its Regulations of 1997 and other previous laws include, The Tanganyika (Constitution) Order in Council 1961, The Citizenship Ordinance of 1961, The Citizenship Act Cap 512 of 1961, The Republic of Tanganyika (Consequential Transitional and Temporary Provisions) Cap 500 of 1962, the Citizenship Act of 1962, The Nationality and Naturalization Decree Cap 134 of 1911, Zanzibar Nationality Decree of 1952, The Extension and Amendment of laws (No. 5) Decree of 1964.

2.0 ACQUISITION OF TANZANIA CITIZENSHIP

In Tanzania there are three main types of citizenship:

- Citizen by birth.
- Citizen by descent.
- Citizen by Naturalization.

Tanzania Citizenship by birth is founded on sanguine principle

i) **Citizenship by Birth:**

The citizenship by birth is divided into three groups, these are:-

a) **Persons born before Tanganyika Independence or The State of Zanzibar Revolution:**

Persons born in Tanganyika before the 9th December, 1961 became citizens of Tanganyika by birth at the time of birth if and only if one of the parents was also born in Tanganyika and was a citizen of united Kingdom and colonies or a British protected person (Section 1(1) the Citizenship Act Chapter 512

of 1961 now Section 4(1) the Tanzania Citizenship Act Cap. 357 (R.E 2002)

Those persons born in the State of Zanzibar before 12th January, 1964 they acquired the right of citizenship by mere fact of being born in Zanzibar provided that they are not subject or citizen of State mentioned in the Third Schedule of the Zanzibar Nationality (Subsidiary legislation) of 1952, unless such State have signified its consent to the application:-

- 1) to any particular subject or citizens of that State; or
- 1) Generally to all subjects or citizens of that State. (Section 3(1) Zanzibar Nationality Decree Chapter 39 of 1952 and Section 1(2) a & b Zanzibar Nationality (Subsidiary legislation) of 1952 now Section 4(1) the Tanzania Citizenship Act Cap. 357 (R.E 2002).

The States mentioned in Third Schedule of Zanzibar Nationality (Subsidiary legislation) of 1952 are:-

- 1) Australia
- 2) Belgium
- 3) Canada
- 4) Ceylon
- 5) France
- 6) Italy
- 7) New Zealand
- 8) Portugal
- 9) Republic of Ireland
- 10) Union of South Africa

11) United States of America.

b) Persons born after Tanganyika Independence but before Union day:

Every person born in Tanganyika after the 8th December 1961 became a citizen of Tanganyika at the date of his birth if and only if one of his parents is a citizen of Tanganyika. A person born in Tanganyika but neither of the parents is a citizen cannot be a citizen of Tanganyika by mere fact of birth. Similarly children of diplomatic corps also do not qualify for citizenship by mere fact of being born in Tanganyika. The same applies to children of the enemy parents. (Section 3(a) & (b) of the Tanganyika (Constitution) Order in Council, 1961 now (Section 4(1) the Tanzania Citizenship Act Cap. 357 (R.E 2002).

c) Persons born on or after union of Tanganyika and the State of Zanzibar:

Every person born in Tanzania on or after union day, become a citizen of Tanzania at the date of his birth only if one of his parents is a citizen of Tanzania and is not possesses the immunity from suit and legal process which is accorded to any envoy of a foreign sovereign power accredited to the United Republic or any of his parents is an enemy and the birth occurs in a place then under occupation by the enemy. (Section 5(1) & (2) a & b the Tanzania Citizenship Act Cap. 357 (R.E 2002).

Under the interim measure, a person who was born within the Dominion of the former Sultan of Zanzibar became a Zanzibar

Subject by birth if such person was a permanent resident or his father was born within the then State of Zanzibar, (Section 2(iii) a of the Extension and Amendment of Laws Decree No.5 of 1964 which is now Section 5(1) & (2) a & b the Tanzania Citizenship Act Cap. 357 (R.E 2002).

ii) Citizenship by descent: .

The Citizenship by descent is divided into two groups, these are:-

a) Persons born before or after Tanganyika independence and Zanzibar Revolution:

Persons born outside Tanganyika before independence became a citizen of Tanganyika by descent only if his father was born in Tanganyika and was a citizen of the United Kingdom and colonies or a British protected person. (Section 1(2) Citizenship Act Chapters 512 of 1961 now Section 4(3) of the Tanzania Citizenship Act Cap. 357 (R.E 2002).

Persons born outside the Tanganyika after independence became citizen of Tanganyika by descent at the date of his birth if at that date of his birth his father is a citizen of Tanganyika. (Section 4 of The Tanganyika (constitution) Order in Council 1961 now Section 4(3) the Tanzania Citizenship Act Cap. 357 (R.E 2002).

Persons born outside the Dominions of his Highness the Sultan of Zanzibar before or after revolution became a Zanzibar Subject by descent only if his father is a Zanzibar Subject by birth at the time of his birth. If the father of such a person is a Zanzibar Subject by descent, that person shall not be a Zanzibar Subject

unless the birth is registered under the provisions of the Birth and Deaths Registration Decree within twelve (12) months of its occurrence. (Section 4 of the Zanzibar Nationality Decree Chapters 39 of 1952 now Section 4(3) the Tanzania Citizenship Act Cap. 357 (R.E 2002).

b) Persons born on or after union day:

Under the interim measure, a person was a Zanzibar Subject by descent, only if his father was born within the Dominion of the former Sultan of Zanzibar. (Section 2(iii) b of the Extension and Amendment of Laws No.5 of 1964).

After the enactment of the Tanzania Citizenship Act Cap. 357 (R.E 2002) which consolidate the laws relating to citizenship from the then Tanganyika and the State of Zanzibar, persons born outside the United Republic can only claims to be a citizen of the United Republic by descent if and only if at the time of his birth one of his parents is or was a citizen of the United Republic by birth or naturalization but not by descent. (Section 6 the Tanzania citizenship Act Cap. 357 (R.E 2002).

The contents of Section 6 of The Tanzania Citizenship Act apply from union day and continue to apply for future. Section 6 of the Act, has to be applied subject the provisions of Section 30.

Section 30 is a saving provisions meant to keep in force any matter or status in or under the repealed Acts, but for the Section, would lapse or become nugatory by virtue of the repeal


Act concerned. Any matter not specified in the Section is not saved and suffers the natural consequence of repeal of the provision in question.

iii) Citizenship by Naturalization:

Before Tanganyika Independence, there were two different procedures of registering foreigners who wishes to become British citizens these are; citizenship by registration and citizenship by naturalization. Citizenship by registration was only applicable to foreigners of full age and capacity from common wealth countries while citizenship by naturalization was only applicable to aliens of full age and capacity. (Section 6 to 10 of the British Nationality Act, 1948).

Before the State of Zanzibar Revolution, there was one procedure of acquiring citizenship under the Dominion of the former Sultan of Zanzibar which was by naturalization. (Section 5 of the Zanzibar Nationality Decree Chapter 39 of 1952).

After Tanganyika independence citizenship by registration was governed by Section 3(1) of the Citizenship Ordinance Chapter 452 of 1961 and was applicable to country mentioned in Article 7 of the Constitution, while citizenship by naturalization was governed by Section 7 of the Citizenship Ordinance Chapter 452 of 1961. Both Sections have now being replaced by Section 4(2) of the Tanzania Citizenship Act Cap. 357 (R.E 2002).



After the enactment of the Tanzania Citizenship Act Cap. 357 (R.E 2002), the position has now changed, thus person born on or after union day that are not qualify to be a citizen by birth or descent can acquire citizenship of Tanzania only by way of naturalization.

Naturalization is divided into three groups which are:

- a) Naturalization of non-citizens;
- b) Naturalization of minors; and
- c) Naturalization of women married to citizens of the United Republic.

a) Naturalization of non-citizens:


Any person of full age and capacity who is not a citizen of the United Republic may apply to the Minister to be naturalized as a citizen of the United Republic. Conditions and procedures for naturalization are detailed in Tanzania Citizenship Regulations, 1997 and Second Schedule to the Act. These are:-

- full age and capacity;
- resided in the United republic throughout the period of twelve months immediately preceding the date of the applications;
- during the ten years immediately preceding the said period of twelve months, he resided in the United Republic for periods amounting in the aggregate to not less than seven years;
- adequate knowledge of Swahili and or English language;
- being of good character;
- intention to permanently resided in Tanzania if granted naturalization;

- that in terms of his past and potential contribution to the national economy, scientific and technological advancement and to the national social and cultural welfare he would be a suitable citizen of the United Republic.

The procedures for naturalization as a citizen of the United Republic are as follows:-

- the applicant is required to fill in Form A provided by the Immigration Service Department;
- the applicant is required to publish his application in the two consecutive issues of the Swahili and English Newspapers registered in Tanzania Mainland and Zanzibar, a notice of his intention to apply for naturalization;
- the applicant is sent to the Ward Executive Secretary thereafter to the District Commissioner and lastly to the Regional Commissioner where he is residing for the purposes of discussing his application in detail under the purview of the Security Defence Committees respectively. As for Zanzibar the applications starts to the Sheha;
- the applicant is required to undergo finger print procedure which is undertaken by the Police Department in order to see if he has any criminal records; and
- after the application has passed through all those stages, it will then be forwarded to the Immigration Services Department which will compile the same and submit to the Minister with their recommendation.



The minister is a final decision maker on the application for naturalization. An applicant for naturalization as the citizen of the United Republic will not be naturalized as a citizen except after he has made a declaration in writing in the prescribed form renouncing or indicating, his willingness, be for the legal restrictions, to renounce, any other nationality or citizenship he may possess and any claim to the protection of any other country and take an oath of allegiance in the form specified in the First Schedule to the Tanzania Citizenship Act.

b) Naturalization of Minors:

A parent or guardian who is a citizen of the United Republic of any minor child who is not a citizen of the United Republic may make application to the Minister in the prescribed manner for his minor child to be naturalized as a citizen of the United Republic. (Section 10 (1) & (2) of the Tanzania Citizenship Act Cap. 357 (R.E 2002).

c) Naturalization of women married to citizens of the United Republic:

Any foreign women of full age and capacity married to a Tanzanian husband may apply to the Minister to be naturalized as a citizen of the United Republic. Conditions and procedures for naturalization are detailed in the Tanzania Citizenship Act and the First Schedule of the Regulations (Section 11(1) and (2) of the Tanzania Citizenship Act Cap. 357 (R.E 2002). These are:-

- the application has to be made by the applicant at any time during the life time of the husband;

- the applicant must submit evidence to prove the existence of her marriage;
- the applicant must submit evidence to prove the citizenship of her husband; and
- the applicant must submit evidence which shows her Immigration status in the United Republic.


iv) Dual Citizenship to minor child:

Dual Citizenship means possessing two nationalities at the same time. The presumption is there until the child has reached the age of majority.

There are two ways in which the dual citizenship may arise:

- persons born outside the United Republic by either parent who are citizen of the United Republic by birth or by naturalization.
- persons born in the United Republic by one parent who is a citizen of another country.

Once the said child has attained the age of majority, the law requires him to make his own decision as to which citizenship he wishes to retain. If he wishes to retain the Tanzania citizenship, he is required to make renunciation, takes oath of allegiance and in the case of citizen by descent, he is required to make and register the declaration regarding his intention as to residence. (Section 7 of the Tanzania Citizenship Act Cap. 357 (R.E 2002).



A person who fails to follow that procedure when he attain the age of majority, subject to Subsection (8) of Section 7 of the Act, ceases to be a citizen of the United Republic hence the requirement to have a permit or pass to stay in the country legally.

The Commissioner General of Immigration has the power subject to the consent of the Minister's to extend that period of renunciation to any person who has shown sufficient reasons for his delay to renounce his citizenship of the country other than the United Republic. The extension will only afford that person an opportunity of doing any or all such acts remaining undone.

A person who is or was born outside the United Republic by a Tanzanian parent either father or mother who is or was abroad on diplomatic mission is automatically recognized as a citizen of the United republic by birth. He or she is not required to renounce the citizenship of the other country.

V) Renunciation of Tanzania Citizenship:

Citizen of the United Republic of full age and capacity is allowed to make a declaration in the prescribed manner renouncing his citizenship of the United Republic after being granted citizenship of other country. The Minister may cause the declaration to be registered and upon that registration the person in question shall cease to be a citizen of the United Republic.

A person who has previously renounced his Tanzania citizenship cannot automatically regain Tanzania citizenship unless he has submitted his application to the Minister for his consideration.

A woman who has renounced Tanzania citizenship because of marriage can upon breakdown of her marriage apply to the Minister to regain her Tanzania citizenship.

NB:

- **The authority that is mandated with issues relating to Tanzania citizenship is the Immigration Service Department.**
- **A person who needs to provide a document to prove his/her Tanzania citizenship should be directed to Immigration Service Department.**
- **All foreigners who intend to reside in Tanzania for longer than 90 days are required to obtain work permit and residence permit.**