



**AN ACT TO ENACT THE DIASPORA AFFAIRS ACT WHICH PROVIDES
FOR THE MATTERS CONNECTED THEREWITH AND
INCIDENTAL THERETO**

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ACT NO. 4 OF 2020

I ASSENT



{DR. ALI MOHAMED SHEIN}
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

6th May
....., 2020

**AN ACT TO ENACT THE DIASPORA AFFAIRS ACT WHICH PROVIDES
FOR THE MATTERS CONNECTED THEREWITH
AND INCIDENTAL THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short Title and
Commence-
ment.

1. This Act may be cited as the Diaspora Affairs Act, 2020 and shall come into operation on such a date as the Minister may appoint by notice in the Gazette.

Application

2. This Act shall apply on the matters concerned to all registered and non-registered Diaspora and for the matters related to Zanzibar.

Interpretation.

3. In this Act, unless the context otherwise requires:

“Affiliated to Zanzibar” means a person of origin, relation, connection, adoption or association with Zanzibar society by mutual consent under conditions agreed;

“Designated Person” means a person appointed by the President under section 4 of this Act;



“Diaspora Associations” means organization formed by Diaspora either in or outside of Zanzibar;

“Diaspora Forum” means a body formed under section 14 of this Act that performs a specific activity and task in field of cooperation and promotion of the Diaspora relationship;

“Diaspora” means a person as prescribed under section 6 of this Act;

“Indefinite Period” means a period of not less than seven years of Diaspora living abroad;

“Minister” means the Minister responsible for matters relating to the Diaspora Affairs;

“President” means the President of Zanzibar and Chairman of the Revolutionary Council;

“Registered Diaspora” means a person registered under section 8 of this Act.

PART TWO ADMINISTRATIVE PROVISIONS

Appointment of a Person Responsible for Diaspora Affairs.

4.-(1) The President shall, by the executive order, establish an Office and appoint a person who shall be responsible for Diaspora affairs in Zanzibar.

(2) Designation or title of such person shall be according to the Order of the President under subsection (1) of this section.

Functions of the Office of Diaspora Affairs.

5. The functions of the Office established under section 4 of this Act shall be to:

- (a) facilitate privileges provided under this Act;
- (b) establish, register and maintain the records of Diaspora;
- (c) facilitate in financial, social security, land and investment matters, trade and tourism matters;
- (d) facilitate issue of identification cards according to the Act No. 3 of 2018;
- (e) facilitate receiving of Diaspora philanthropic resources and services;



- (f) collaborate with the Diaspora associations and other international organisations;
- (g) ensure that Diaspora issues are incorporated in the sectorial policies and programs;
- (h) promote establishment of various Diaspora associations;
- (i) monitor and evaluate implementation of the Diaspora Policy;
- (j) promote conditions that will enable Diaspora to learn and preserve Kiswahili and Culture;
- (k) provide access to current information to Diaspora through Government media and official websites;
- (l) strengthen social and economic links with Diaspora in the areas of science and development of new technology;
- (m) develop standards of performance to be observed and achieved by the Diaspora;
- (n) organise and provide secretariat services for the Diaspora Forum and Conference;
- (o) provide public awareness on the Diaspora issues; and
- (p) do any other matters related herewith.

PART THREE

STATUS AND PRIVILEGE OF DIASPORA IN ZANZIBAR

Diaspora.

6.-(1) There shall be a person to be known as Diaspora who migrates and resides outside the United Republic of Tanzania for indefinite period while still maintains his affinity to Zanzibar.

- (2) A person shall be identified to be a Diaspora if he has the following criteria:
 - (a) is affiliated to Zanzibar;
 - (b) has allegiance to Zanzibar;
 - (c) he recognises and respects the 1964 Zanzibar Revolution;



- (d) he adheres to the Constitution and laws of Zanzibar and the United of Republic of Tanzania; and
- (e) he holds the United Republic of Tanzania passport or any other passport.

Register of
Diaspora.

7.-(1) Subject to the provisions of section 5 of this Act, there shall be a Register to maintain records of registered Diaspora.

(2) The Register shall keep the records of Diaspora based on:

- (a) name of Diaspora;
- (b) nationality;
- (c) country of residence;
- (d) gender;
- (e) skills and experience; and
- (f) any other related information.

(3) Individual records and information maintained in the Register shall be confidential.

Registration
of Diaspora.

8.-(1) Diaspora may apply for registration to the office responsible for the Diaspora affairs.

(2) Designated Person shall scrutinize the application made by the Diaspora under this section to assess the criteria for registration.

Powers of
Designated
Person.

9.-(1) Designated Person shall have power to deny a registration application of the Diaspora if not satisfied with the criteria for registration provided under this Act.

(2) Designated Person may deregister Diaspora if not comply to the provisions of this Act.

Notification.

10.-(1) The Designated Person shall notify in writing Diaspora on the refusal of application for registration or deregistration.

(2) If a Diaspora is not satisfied with the decision made by the Designated Person, may appeal to the Minister within 30 days from the date of notification.



Privileges of
the Registered
Diaspora.

11.-(1) Subject to the laws of the United Republic of Tanzania and the laws of Zanzibar, the registered Diaspora may have the following privileges:

- (a) exemption from work permit;
- (b) grant of multiple-entry and multi-purpose long term visa to visit Zanzibar; and
- (c) permission for long stay in Zanzibar.

(2) Subject to subsection (1) of this section, a registered Diaspora shall request the privilege to the office responsible for the Diaspora affairs.

Responsibility
of Diaspora.

12. The Registered Diaspora shall have the responsibility:

- (a) not to misuse the privileges provided under this Act;
- (b) to promote, uphold and preserve interest of Zanzibar in relation to tourism, investment, culture, education, health, sports, scientific and philanthropically assistance; and
- (c) to maintain and strengthen the ties between Zanzibar and his country of residence.

Prohibition.

13.-(1) The Diaspora shall not:

- (a) participate in political issues including right to join political parties, vote or be voted for; and
- (b) have any other right that is reserved exclusively to Zanzibari resident as the Minister may publish from time to time.

(2) Without prejudice to the provisions of subsection (1) of this section, a registered Diaspora who is Tanzanian National shall be entitled to have all rights according to the laws of the United Republic of Tanzania and Zanzibar.



PART FOUR MISCELLANEOUS PROVISIONS

Diaspora
Forum.

14.-(1) There shall be a Diaspora Forum whose members shall be appointed by the Minister.

(2) The composition of the Diaspora Forum shall be as prescribed in the Regulation.

(3) The Minister shall be a Chairman of the Diaspora Forum.

Function
of the
Diaspora
Forum.

15.-(1) Subject to the provisions of this Act, the functions of the Diaspora Forum shall be to:

- (a) provide advice on the Diaspora Policy matters;
- (b) ensure successful preparation of the Diaspora Conferences;
- (c) advise on facilitation of the Diaspora Forum;
- (d) organize and motivate economic, cultural, educational, health, scientific and sport cooperation with the Diaspora; and
- (e) advise conditions favourable for investment programs and projects established by Diaspora.

(2) Subject to the provisions of this section, the Diaspora Forum may regulate its own procedures.

Diaspora
Conference.

16.-(1) There shall be a Diaspora Conference to be conducted as it may deem necessary.

(2) The Diaspora Conference shall consist of registered and non registered Diaspora and other stakeholders to discuss Diaspora matters and other related issues.

Offences and
Penalties.

17.-(1) It shall be an offence for any person to misuse and contravene the privileges provided under this Act.



(2) A person who contravenes the provisions under subsection (1) of this section, commits an offence and upon conviction, shall be liable to be deprived the privileges provided and a fine of not exceeding One Million Tanzanian Shillings or to imprisonment for a term not exceeding one year or both.

(3) A person who solicits, incites, abets or induces a Diaspora to commit an offence, commits an offence and upon conviction, shall be liable to a fine of not exceeding One Million Tanzanian Shillings or to imprisonment for a term not less than one year or both.

Minister to
Make
Regulations.

18.-(1) The Minister may generally make Regulations for the better performance of the provisions of this Act.

(2) Without prejudice to the generality of the powers under subsection (1) of this section, the Minister may specifically make regulations on the following matters:

- (a) providing composition of the members of the Diaspora Forum;
- (b) providing for procedures of appeal to the Minister; and
- (c) providing for criteria and procedures for registration of the Diaspora including prescribed fees.

PASSED by the House of Representatives of Zanzibar on 1st April, 2020

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(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.