

# Snapshot on the Recent Amendments to the Non-Citizens (Employment Regulation) Act, 2015

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The amendment of the Non-Citizens (Employment Regulation) Act (Cap 436) (the Act) is a big step in the much-needed reforms of immigration laws in Tanzania. With the coming into force of the Written (Miscellaneous Amendments) Act No. 6 of 2021 on 11 October 2021, the period in which foreigners can work in Tanzania has been extended by an additional three years affording expatriate employees an opportunity to continue working in Tanzania for a maximum tenor of eight years. Notably, the validity period for a work permit remains two years. With the new amendment, there is room for expatriate employees to work in Tanzania for a maximum of eight years. The amendments also give the Labour Commissioner powers to attach any conditions as s/he may find necessary regarding the finality of the permit.

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Another welcome move in the amendment of the Act is the increase of the non-citizen quota for employers registered with the Tanzania Investment Centre (TIC) and the Export Processing Zone Authority (EPZA). Companies registered with the EPZA and TIC can now employ up to 10 expatriates compared to the previous limit of five. Companies registered with the EPZA and TIC have an opportunity to employ more than 10 expatriate employees provided they maintain a ratio of one non-citizen employee for every 10 local employees. The requirement to maintain the 1:10 ratio also applies to employers that are not registered with the TIC or the EPZA, unless the nature of the business does not permit employment of local employees.

The amendment to the Act has also formalised the electronic system for application and issuance of work permits. The online work permit application and issuance system has enhanced efficiency and simplified the process of submitting applications for work permits.

Another noteworthy change introduced by the amendment is the exclusion of police officers from the list of authorised officers under the Act. Following this change, the authorised officers recognised under the Act are labour officers, immigration officers or any other public officers designated as such by the Minister.

The changes to the Act as summarised above are intended to promote a more conducive environment for employment of foreigners in recognition of the more stringent conditions that came into play following the enactment of the Act in 2015. Foreign expatriates can now work for a longer period, and investors registered with the TIC and EPZA are entitled to a bigger expatriate quota. These changes in the law are expected to enhance the investment climate in the country by improving processes and more importantly striking a balance on the need to protect the local job market while at the same time recognising the need to recruit and retain talent from the international market.

## KEY CONTACTS



**Corliss Kidaha**

Dar es Salaam  
D+255 784 800 419  
[corliss.kidaha@dentons.co.tz](mailto:corliss.kidaha@dentons.co.tz)



**Stella Ndikimi**

Dar es Salaam  
D+255 784 290 442  
[stella.ndikimi@dentons.co.tz](mailto:stella.ndikimi@dentons.co.tz)