

ANNEX 1

THE EAST AFRICAN COMMUNITY COMMON MARKET (FREE MOVEMENT OF PERSONS) REGULATIONS

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ARRANGEMENT OF REGULATIONS

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THE EAST AFRICAN COMMUNITY COMMON MARKET (FREE MOVEMENT OF PERSONS) REGULATIONS

REGULATION 1 Citation

These Regulations may be cited as the East African Community Common Market (Free Movement of Persons) Regulations.

REGULATION 2 Purpose of Regulations

The purpose of these Regulations is to implement the provisions of Article 7 of the Protocol and to ensure that there is uniformity among the Partner States in the implementation of the Article and that to the extent possible, the process is transparent, accountable, fair, predictable and consistent with the provisions of the Protocol.

REGULATION 3 Interpretation

In these Regulations, unless the context otherwise requires:

“**competent authority**” means an office designated by a Partner State to carry out the functions required by these Regulations;

“**pass**” means a pass to enter and remain temporarily in, or to re-enter the territory of a Partner State, issued by the host Partner State and includes any class or description of pass which may be so prescribed.

REGULATION 4

Scope of Application

These Regulations shall apply to the following categories of citizens of a Partner State who move to, stay in and exit another Partner State:

- (a) visitors;
- (b) persons who seek to enter a Partner State for the purpose of medical treatment;
- (c) persons in transit through the territory of a Partner State;
- (d) persons who are admitted as students in training establishments in a Partner State; and
- (e) persons entering a Partner State for any other lawful purpose other than as a worker or as a self employed person.

REGULATION 5

Entry, Stay and Exit

1. A citizen of a Partner State who seeks to enter or exit the territory of another Partner State, shall do so at entry or exit points designated in accordance with the national laws of the Partner State and shall comply with the established immigration procedures.

2. A citizen of a Partner State who seeks to enter, transit or exit the territory of another Partner State shall:
 - (a) present to the immigration officer a valid common standard travel document or a national identity card, where a Partner State has agreed to use machine readable and electronic national identity card as a travel document; and
 - (b) declare all the information required for entry or exit.
3. Upon fulfilment of the requirements in paragraph 2 of this regulation, a citizen to whom these Regulations apply shall be issued with a pass which shall entitle the citizen to enter into the territory of the host Partner State and stay for a period of up to six months.
4. A citizen whose pass is due to expire and who wishes to stay in a Partner State for a longer period shall, before the expiry of the pass, apply to the immigration office of the Partner State for an extension of the pass.
5. The immigration office shall renew the pass where the applicant provides justification for a longer period of stay.
6. The duration of a pass issued under these Regulations shall not exceed the duration of the validity of the common standard travel document or national identity card, presented under regulation 2.
7. A citizen transiting through the territory of another Partner State, shall be issued with a transit pass which shall entitle the citizen to transit within the period stated in the pass.
8. A pass issued under this regulation shall be issued without a fee.

REGULATION 6

Stay of Students

1. A citizen who is admitted as a student in an approved training establishment of another Partner State shall, within thirty days of entry, apply for a student's pass.
2. A citizen applying for a student's pass shall furnish the following information:
 - (a) a valid common standard travel document or a national identity card, in accordance with paragraph 2 of regulation 5;
 - (b) a confirmation of admission in an approved training establishment in the host Partner State;
 - (c) a confirmation of sponsorship for the training to be pursued; and
 - (d) in the case of a child, the identification of the guardian to be responsible for the child while the child is in the host Partner State.
3. The immigration office of the host Partner State shall issue a student's pass to an applicant who satisfies the requirements in this regulation.
4. A student's pass shall be issued, subject to terms and conditions, for a period not exceeding one year and shall be renewable, annually, for the duration of the study.

5. A citizen who enters another Partner State for the purpose of undergoing training for a period not exceeding two months shall be exempt from applying for a student's pass.
6. The immigration office of a host Partner State may cancel a student's pass if the citizen to whom the pass was issued fails to enter and undergo training in the establishment for which the student's pass was issued, or having entered the training establishment, ceases to be a student in that establishment.
7. The person in charge of a training establishment shall ensure that all the students from the other Partner States undergoing training in the training establishment comply with this regulation.
8. A student's pass issued under this regulation shall be issued without a fee.

REGULATION 7

Limitations

1. A citizen who is issued with a pass under these Regulations, shall not undertake any employment in the territory of the host Partner State except where the citizen is a student on internship or industrial training.
2. The immigration office may cancel a pass issued under these Regulations, where the holder of the pass engages in an activity other than the activity specified in the pass.
3. Where a citizen issued with a pass under these Regulations decides to change his or her status to a worker or a self employed person, he or she shall apply to the competent authority of the Partner State for recognition as a worker or a self employed person, in accordance with

the East African Community Common Market (Free Movement of Workers) Regulations and the East African Community Common Market (Right of Establishment) Regulations.

REGULATION 8 Border Management

For the purpose of effective border management, the Partner States shall consult and advise the Council on the following:

- (a) easing of border crossing for citizens of the Partner States;
- (b) reciprocal opening of border posts;
- (c) operational hours for the border posts;
- (d) manning of border posts for twenty four hours;
- (e) the necessary infrastructure and standards for border management;
- (f) harmonisation of immigration procedures; and
- (g) evaluation of the implementation of border management recommendations and programmes.

REGULATION 9 Registration

Without prejudice to these Regulations, a host Partner State may require citizens of other Partner States who are in its territory, to register with the competent authorities, in accordance with the national laws of the Partner State.