

AN ACT

To amend Public Law No. 12-13, as enacted, by amending section 2 to extend the moratorium on the immigration of certain alien workers, to allow nonresident workers to engage in outside employment or change employers for a defined period, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1           Section 1. Section 2 of Public Law No. 12-13, as enacted, is  
2 hereby amended to read as follows:

3                   "Section 2. Moratorium on Entry of Noncitizen Workers.

4                   (1) Within ninety (90) days of this act becoming law,  
5 and annually thereafter on January first of each year,  
6 the President of the Federated States of Micronesia  
7 shall, upon the recommendation of the Department of  
8 Economic Affairs and after consultation with each  
9 State's Governor, declare those specific occupations and  
10 industries in the FSM for which there are insufficient  
11 trained FSM citizens. Such declaration shall be issued  
12 pursuant to section 102(1) of title 17 of the Code of  
13 the Federated States of Micronesia. Beginning January  
14 1, 2003, such declaration shall be based on statistical  
15 information ascertained by the Department of Economic  
16 Affairs from relevant state and national government  
17 organizations.

18                   (2) Except as otherwise provided by law or pursuant

1 to the terms of any treaty, Compact, or other  
2 international agreement, for a period of one year from  
3 the date of enactment of this act, the entry of  
4 additional noncitizen alien workers into the FSM for the  
5 purpose of employment in occupations and industries in  
6 the FSM shall be limited to entry for employment in  
7 those occupations and industries for which there are  
8 insufficient trained FSM citizen workers, as declared by  
9 the President. This restriction shall apply through  
10 December 13, 2002. From December 14, 2002 through  
11 December 31, 2003, the entry of additional noncitizen  
12 alien workers into the FSM for the purpose of employment  
13 shall be limited to 'professionals', as that term shall  
14 be defined in regulations issued pursuant to section  
15 102(1) of title 17 of the Code of the Federated States  
16 of Micronesia.

17 (3) The entry of noncitizen alien workers into the  
18 FSM for the purpose of employment, and the issuance of  
19 nonresident worker's identification certificates, shall  
20 be in strict accordance with the provisions of titles 50  
21 and 51 of the Code of the Federated States of  
22 Micronesia.

23 (4) The Chief of the Division of Immigration and  
24 Labor, through the Secretary of Justice, shall report  
25 bi-annually, on December first and June first of each

1 year, to the President and to the Congress, including to  
2 the Chairman of the Judiciary and Governmental  
3 Operations Committee of the Congress, on the total  
4 number of noncitizen alien workers present in the FSM.  
5 Such report shall include, at a minimum, the number of  
6 such workers by nationality, industry, occupation, and  
7 job title, and such other information and statistical  
8 comparisons as the Chief and the Secretary deem relevant  
9 to the goal of reducing the FSM's dependence on  
10 noncitizen alien workers.

11 (5) Thirty (30) days prior to publication of the  
12 annual  
13 update of the list of specific occupations and  
14 industries for which there are insufficient trained FSM  
15 citizens required under subsection (1) of this section,  
16 the Secretary of the Department of Economic Affairs  
17 shall report to the President and to the Congress on the  
18 effect that any restriction on the entry of noncitizen  
19 workers has had on the economy of the FSM during the  
20 prior year.

21 (6) Notwithstanding the provisions of chapter 1 of  
22 title 51 of the Code of the Federated States of  
23 Micronesia, during the period beginning December 14,  
24 2002 and ending December 31, 2003:

25 (a) any nonresident worker may engage in

1           employment for an employer ('Secondary Employer') other  
2           than for the employer who has contracted for the  
3           employment of such nonresident worker in the Federated  
4           States of Micronesia ('Primary Employer'). The  
5           Secondary Employer shall engage in a temporary contract  
6           for such employment with the Primary Employer. Any  
7           contract for full-time employment (40 hour work-week) in  
8           excess of 30 days shall be deemed a change of employers  
9           for purposes of this section; and

10                   (b) upon completion or termination of a contract  
11           with his Primary Employer, or pursuant to paragraph (b)  
12           herein, any nonresident worker may change employers.  
13           Each nonresident worker seeking to change employers  
14           shall provide a copy of the new contract for employment  
15           to the Chief of Immigration and Labor and apply for a  
16           permit from the Chief authorizing such change. The  
17           Chief of Immigration and Labor shall issue such permit  
18           without charge and shall not require that the  
19           nonresident worker leave the Federated States of  
20           Micronesia."

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Section 2. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

December 27, 2002

/s/ Leo A. Falcam  
Leo A. Falcam  
President  
Federated States of Micronesia

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