

NITIJELA OF THE REPUBLIC OF THE MARSHAL ISLANDS

30<sup>TH</sup> CONSTITUTIONAL REGULAR SESSION, 2009

BILL NO.: 43

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2 AN ACT  
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4 to amend certain provisions of the Labor (Non-Resident Workers) Act, 2006 relating to  
5 repatriation; requirement for 'exempt' persons and non-resident workers employed by  
6 Government Ministries and Departments; removal orders; and matters related thereto.  
7

8 ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
9

10 Section 1. **Short title.**

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12 This Act may be cited as the Labor Non-Resident Workers (Amendment) Act  
13 2009.

14 Section 2. **Amendments.**

15 (i) Section 2 of the Labor (Non-Resident Workers) Act, 2006 is hereby amended by  
16 inserting a new provision to read as follows:

17 **§2. Interpretation**

18 "Removal Order" means a Removal Order made under the Immigration Act  
19 2006, and for the purposes of serving or executing any such order, includes any  
20 electronically produced copy thereof:

21 (ii) Section 10(2) of the Labor (Non-Resident Workers) Act, 2006 is hereby amended by  
22 inserting a new Subsection 10(2)(A) to read as follows:

23 **§10(2)(A)** Notwithstanding the exemptions granted to persons in Subsection (2),  
24 exempt persons are required to comply with registration requirements of the  
25 Labor Division in accordance with regulations promulgated under the Act.

26 (iii) Section 11 of the Labor (Non-Resident Worker) Act, 2006 is hereby amended to  
27 read as follows:

1        **§11. Certain persons not eligible for exemption or work permit**

2            (1) Unless there is a special direction to the contrary, no exemption shall apply,  
3            and no work permit shall be issued to any person who at any time (whether  
4            before or after the commencement of this Act) –

5            (a) has been convicted of any offence; or

6            (b) against whom a removal or deportation order under this Act or the  
7            Immigration Act 2006 is in force; or

8        (iv) Section 25 of the Labor (Non-Resident Workers) Act, 2006 is hereby amended to  
9        read as follows:

10        **§25. Transfer of employment**

11            (5) Where a bond has been forfeited under subsection (4), it shall be used for  
12            the deportation or removal of the non-resident worker from the Republic.

13        (v) Section 26 of the Labor (Non-Resident Workers) Act, 2006 is hereby amended to  
14        read as follows:

15        **§26. Requirement to exit every two years and repatriation the completion  
16        of the employment contract**

17            (1) An employer must ensure that every non-resident worker in his or her  
18            employment is repatriated to the point of hire at the end of the contract or  
19            upon termination or resignation of the non-resident worker.

20            (2) Failure to comply with the requirement to repatriate or exit may result in  
21            the forfeiture of the employer's bond to the Government, and the use of  
22            such bond to comply with the requirement under subsection 1.

1           (3) Notwithstanding the exemption provided under Section 10(2) to  
2           Government Ministries and Departments, heads of Government Ministries  
3           and Departments shall, in consultation with the Public Service  
4           Commission, ensure that non-resident workers are repatriated to the point  
5           of hire at the end of their contracts or upon termination.

6   (vi) Section 56 of the Labor (Non-Resident Workers) Act, 2006 is hereby amended to  
7   read as follows:

8           **§56. Labor (Bond) Fund**

9           (3) The Labor (Bond) Fund Account shall be administered by the Secretary of  
10          the Ministry of Foreign Affairs and the Secretary of Finance, and shall be  
11          applied for the purposes of funding the removal or deportation of any non-  
12          resident worker who has –

13               (a) unlawfully remained in the Republic after his or her work permit  
14               has expired: or

15               (b) breached the conditions of his or her work permit: or

16               (c) been convicted of any offences under this Act: or

17               (d) whose employer has breached any of the conditions required by the  
18               Act or regulations.

19          (4) A bond must only be used for the removal or deportation of a non-resident  
20          worker to whom that bond attaches, and not in respect of any other person.

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1 (vii) Section 59 of the Labor (Non-Resident Workers) Act, 2006 is hereby amended to  
2 read as follows:

3 **§59. Relationship between this Act and other applicable laws**

4 (1) The immigration Act 2006 shall govern the issuance of work visas and  
5 procedures for obtaining Deportation or Removal Orders referred to under  
6 this Act. Questions arising from or relating to these matters shall be  
7 governed by the provision of that Act.

8 Section 3. **Effective Date.**

9 This Act shall take effect on the date of certification in accordance with the  
10 Constitution and Rules of Procedures of the Nitijela.

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12  
13 **CERTIFICATE**

14 **I hereby certify:**

- 15
- 16 (1) That Nitijela Bill No: 43 was passed by the Nitijela of the Republic of the
- 17 Marshall Islands on the 13<sup>m</sup> day of May, 2009; and
- 18 (2) That I am satisfied that Nitijela Bill No.: 43 was passed in accordance with the
- 19 relevant provisions of the Constitution of the Republic of the Marshall Islands
- 20 and the Rules of Procedures of the Nitijela.

21  
22 I hereby place my signature before the Clerk this 5<sup>m</sup> day of June, 2009.

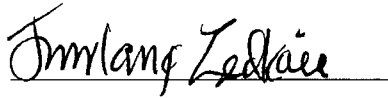
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Attest:

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**Hon. Jurelang Zedkaia**  
Speaker  
Nitijela of the Marshall Islands



**Joe E. Riklon**  
Clerk  
Nitijela of the Marshall Islands