A BILL FOR AN ACT

To amend title 51 of the Code of the Federated States of Micronesia, by amending section 135, by adding a new section 140 and by amending section 142, all for the purpose of regulating the employment status of nonresident workers, and for other purposes.

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

1. Section 135 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 135. Nonresident employment agreements.

(1) For those positions for which the chief has determined that nonresident workers may be hired, he shall require that a nonresident employment agreement be entered into between the employer and the President of the Government of the Federated States of Micronesia, which agreement shall authorize the employer to hire nonresident workers.

(2) The agreement shall be signed by the chief, as representative of the President of the Government of the Federated States of Micronesia, and by the employer or his authorized representative.

(3) The agreement shall contain the following provisions, in addition to any other provisions the chief deems necessary in the circumstances:

(a) a statement that the employer requires such nonresident workers for immediate employment;

(b) a statement of the wages the employer is paying or intends to pay the nonresident workers for each occupational classification he is importing an alien to fill;

(c) a statement that the employer agrees to comply with the minimum employment conditions and other requirements consistent with the provisions of this chapter and other applicable laws of the President of the Federated States of Micronesia."
of Micronesia;

(d) a statement of the period of time for which
the employer will be allowed to fill each position with a nonresident
worker, subject to the limitations on the duration of employment
of nonresident workers in section 140 of this chapter, before he
must attempt to fill the position with a resident worker by filing a
new application with the Employment Service; and

(e) a statement of the employer's responsibility
for return transportation to the place of origin of each
nonresident worker so employed; and

(f) a statement that the employer agrees to make
a good faith effort to have the nonresident worker provide
training for FSM citizen-employee(s) assigned under the
supervision of or assigned to work with the nonresident worker.

(4) Upon execution of the agreement required under
subsections (1) through (3) of this section, the chief shall notify
the Office of Immigration Control.

(5) The chief shall provide each nonresident worker
covered by this chapter with a copy of the nonresident workers'
agreement which authorized his employer to hire him.*

Section 2. Title 51 of the Code of the Federated States of Micronesia is
hereby amended by adding a new section 140 to read as follows:

*Section 140: Duration of Employment.

(1) A nonresident worker shall not be employed in any one
State of the Federated States of Micronesia for more than two
years. Exception - for a nonresident worker having spent a total
of two years in one State of the Federated States of Micronesia
working for a single employer, that employer may apply for a
work permit to be granted to that nonresident worker allowing
continued employment in the State for a period of time not to
exceed two additional years. The employer applying for a work
permit for continued employment for a nonresident worker must
show that efforts have been made in good faith to comply with
the requirement regarding training under section 135 of this
chapter and that no qualified resident workers are yet available
for a position held by a nonresident worker. More than one work
permit allowing continued employment may be granted, however,
the total time period, including any grants of continued
employment, such nonresident worker may be employed in any
one State shall not exceed four years.

(2) This section shall not apply to:

(a) spouses of citizens of the Federated States of
Micronesia;

(b) nonresident workers of the National and State
governments, and their political subdivisions;

(c) citizens or nationals of the United States of
America or their dependents pursuant to the Compact of Free
Association, and for the effective period of the Compact; and

(d) Nonresidents engaged in Engineering,

Accountancy, Law, Medicine, Dentistry, Optometry or other
(3) Any employment contract entered into between a nonresident worker and an employer shall be subject to the National Laws relating to Immigration and Labor."

Section 3. Section 142 of title 51 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 142. Change of employment.

No A nonresident worker who has been issued a work permit to work for a particular employer shall not work for or be employed by any other employer during the period covered by the work permit. No nonresident worker shall change employer in the same State unless that worker first leaves the Federated States of Micronesia and does not return to that State for a period of not less than five years. The five year period shall commence on the date the nonresident worker no longer is in the FSM on a work permit for his former employer. Travel between the States that requires a transit outside the FSM shall not be considered leaving the FSM."
Section 4. This act shall become law upon approval by the President of the Federated States or upon its becoming law without such approval.

Date: 12/04/05

Introduced by: [Signature]

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