

TWELFTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND REGULAR SESSION, 2001 CONGRESSIONAL BILL NO. 12-33, C.D.1, C.D.2

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AN ACT

To declare a temporary moratorium on the immigration of certain alien workers, and for other purposes.

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

1           Section 1. Declaration of Policy. The Congress of the  
2 Federated States of Micronesia finds and declares the following:

3           (1) It is now, and always has been, essential to the  
4 economy of the Federated States of Micronesia ("FSM") that FSM  
5 citizens be given preference in employment in all occupations and  
6 industries in the FSM.

7           (2) Despite the increased number of qualified and trained  
8 FSM citizens, the number of noncitizen alien workers employed in  
9 the FSM in occupations and industries for which there are trained  
10 FSM citizen workers has steadily increased over the past few  
11 years.

12           (3) The increased employment of noncitizen alien workers in  
13 occupations and industries in which citizen workers could and  
14 should be employed is detrimental to the economy and living  
15 conditions of the citizens of the FSM.

16           (4) In light of the increased number of noncitizen alien  
17 workers employed in occupations and industries in the FSM for  
18 which there are trained FSM citizen workers, the public interest  
19 requires that the employment of noncitizen alien workers in such

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1 occupations and industries be limited so as not to impair the  
2 wages, working conditions, and living conditions of FSM citizens.

3 (5) Current FSM labor laws and the regulations implementing  
4 those laws are, for the most part, a carryover from Trust  
5 Territory times. As such, they are outdated and obsolete and must  
6 be revised and updated to meet the current needs of the FSM.

7 Section 2. Moratorium on Entry of Noncitizen Workers.

8 (1) Within (90) days of this act becoming law, the  
9 President of the Federated States of Micronesia shall, after  
10 consultation with each State's Governor, declare those specific  
11 occupations and industries in the FSM for which there are  
12 insufficient trained FSM citizens. Such declaration shall be  
13 issued pursuant to section 102(1) of title 17 of the Code of the  
14 Federated States of Micronesia. Thereafter, except as otherwise  
15 provided by law or pursuant to the terms of any treaty, Compact,  
16 or other international agreement, for a period of one year from  
17 the date of enactment of this act, the entry of additional  
18 noncitizen alien workers into the FSM for the purpose of  
19 employment in occupations and industries in the FSM shall be  
20 limited to entry for employment in those occupations and  
21 industries for which there are insufficient trained FSM citizen  
22 workers, as declared by the President. The list of specific  
23 occupations and industries for which there are insufficient

1 trained FSM citizens shall be updated and published annually by  
2 regulation by the President.

3           (2) The entry of noncitizen alien workers into the FSM for  
4 the purpose of employment, and the issuance of nonresident  
5 worker's identification certificates, shall be in strict  
6 accordance with the provisions of titles 50 and 51 of the Code of  
7 the Federated States of Micronesia.

8           (3) The Chief of the FSM Division of Immigration and Labor,  
9 through the Secretary of Justice, shall report bi-annually to the  
10 President and to the Congress, including to the Chairman of the  
11 Judiciary and Governmental Operations Committee of the Congress,  
12 on the number of noncitizen alien workers present in the FSM.  
13 Such report shall include, at a minimum, the number of such  
14 workers by nationality, industry, occupation, and job title, and  
15 such other information as the Chief and the Secretary deem  
16 relevant to the goal of reducing the FSM's dependence on  
17 noncitizen alien workers.

18           (4) Thirty (30) days prior to publication of the annual  
19 update of the list of specific occupations and industries for  
20 which there are insufficient trained FSM citizens required under  
21 subsection (1) of this section, the Secretary of the Department of  
22 Economic Affairs shall report to the President of the FSM and to  
23 the Congress on the effect that any restriction on the entry of

1 noncitizen workers has had on the economy of the FSM during the  
2 prior year.

3       Section 3. Within 120 days of this act becoming law, the  
4 President shall, in accordance with section 102(1) of title 17 of  
5 the Code of the Federated States of Micronesia, promulgate revised  
6 and updated regulations implementing the provisions of title 51 of  
7 the Code of the Federated States of Micronesia.

8       Section 4. This act shall become law upon approval by the  
9 President of the Federated States of Micronesia or upon its  
10 becoming law without such approval.

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December 13, 2001

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/s/ Leo A. Falcam

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Leo A. Falcam  
President  
Federated States of  
Micronesia