

CHAPTER 2.**NONRESIDENT WORKERS**

ARRANGEMENT OF SECTIONS

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An Act to repeal the Nonresident Workers Act 1983 and to levy a fee from the employers of nonresident workers and for matters connected therewith or incidental thereto.

Commencement:	1 April 1987
Source:	P.L. 1987-6
	P.L. 1988-32
	P.L. 1994-99
	P.L. 1996-9
	P.L. 2004-7
	P.L. 2005-49

§201. Short title.

This Chapter may be cited as the “Nonresident Workers (Fee) Act 1987.” [P.L. 1987-6, §1.]

§202. Interpretation.

In this Chapter:

(a) “employer” means any person who employs, or on whose behalf any other person employs, any nonresident worker, and includes any individual, firm, partnership or corporation, but does not include the Government of the Marshall Islands or any of its agencies, the United States military, the United States Government or any of its corporations, agents, or contractors, and the United States Army Kwajalein Atoll and all its agents and contractors;

(b) “Minister” means the Minister in charge of the subject of Finance;

(c) “nonresident worker” means any workman who is not a citizen of the Republic;

(d) “resident worker” means a person who is a citizen of the Republic;

(e) "Secretary" means the Secretary of Finance;

(f) "wages" means a salary, compensation or any payment made by the employer to the nonresident worker for any type of work performed by him. [P.L. 1987-6, § 2.]

§203. Fee to be charged from employers of nonresident workers.

(1) Every employer of a non-resident worker shall pay to the Secretary a fee of a quarter dollar (\$0.25) for every hour of work performed by such non-resident worker for such employer. The payment of this fee shall also apply to an employer who receives any remuneration in such position and who is not a citizen of the Republic. The Cabinet may exempt an employer of a non-resident worker from the fee in qualified export oriented projects. This exemption shall apply only to qualified export oriented projects commenced after the date of certification of this Act.

(2) The payment of fees under subsection (1) of this section shall in any event be for a period of not less than forty (40) hours per week, whether the non-resident worker performs work or not, except in special circumstances where the job requires less than forty (40) hours per week and is so stated in the labor contract filed with respect to such non-resident worker in the Division of Labor in the Ministry of Foreign Affairs.

(3) The payment due under subsection (1) of this section shall be made on a quarterly basis calculated to the last day of the months of March, June, September and December each year. [referring to P.L. 1996-9, certified on 13 March 1996]. [P.L. 1987-6, §3][Original subsections (2) and (3) re-inserted by P.L. 2004-7]

§203A. Distribution of Fees Collected Under this Chapter.

All monies collected under this chapter shall be distributed quarterly in the following manner:

(a) a sum equal to 75% of the total quarterly collections shall be paid to the National Training Fund established under the Industries Development Act, 1991;

(b) a sum equal to 25 % of the total quarterly collections shall be paid to the Repatriation of Non-Resident Workers Account established hereunder. [New section added by P.L. 2005-49]

§204. Penalty.

(1) The payments due with respect to each quarter shall be made on or before the end of the following month of that quarter. In the event the employer fails to pay the amount due on or before the due date, he shall be liable to a surcharge of ten percent (10%) on the sum due for each quarter of default in addition to any sums and surcharges that may become due on subsequent quarters.

(2) In the event of any default as referred to in Subsection (1) of this Section, the employer shall, in addition to the said surcharge, be guilty of an offense and shall be liable to a fine not exceeding \$1,000 for each quarter of default and any sums due under Subsection (1) of this Section shall be recovered as if it were a fine imposed by the court. [P.L. 1987-6, §4.]

§205. Repatriation of Non-Resident Workers Account.

(1) There shall be established an account called the Repatriation of Non-Resident Workers Account, which shall be a [special revenue] account within the National Treasury and under the control and supervision of the Ministry of Finance, which shall provide for its administration in accordance with the Financial Management Act of 1990, as amended, 11 MIRC Chapter 1.

(2) All Monies paid into this Account shall be utilized for purpose associated with the

repatriation or deportation of non-resident workers.

(3) The Account shall be audited in terms of Article VIII, Section 15 of the Constitution of the Marshall Islands. [P.L. 1987-6, §5; amended by P.L. 1988-32, §2, adding new Subsection (4); amended by P.L. 1994-99, §3(10).] [Amended by P.L. 2005-49]

§206. Repatriation of nonresident workers.

It shall be the responsibility of every employer to ensure the repatriation of every nonresident worker at the end of the period of employment of such worker, If any employer fails to so repatriate he shall not be permitted to employ any nonresident workers in the future. [P.L. 1987-6, §6.]

§207. Administration.

The Secretary shall be in charge of the administration of this Chapter, and of the Repatriation of Non-Resident Workers Account. [P.L. 1987-6, §7.] [Amended by P.L. 2005-49]

§208. Regulations.

The Minister may make regulations for the purpose of giving effect to and carrying out the provisions of this Chapter.

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