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**CHAPTER 2.**

**NONRESIDENT WORKERS**

**ARRANGEMENT OF SECTIONS**

**Section**

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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 P.L. 2009-23

**§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;
- (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 worker.**

(1) Every employer of a non-resident worker shall pay to the Secretary a fee of \$250 per worker per quarter. 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 commenced after the date of certification of this Chapter .

(2) The payment due under subsection (1) of this section shall be made on or before the last day of the months of March, June, September and December each year.[amended by P.L. 2009-23; original subsection

(2) is deleted].

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

(1) All monies collected under this chapter shall be paid into the National Training Fund established under the National Training Council Act, 14 MIRC 6.

(2) On or after the effective date of this Chapter , all funds in the Repatriation of Non-resident Workers Account shall be deposited into the National Training Fund referred to under Subsection (1).[amended and modified by P.L. 2009-23].

**§204. Penalty.**

(1) 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. **[amended by P.L. 2009-23]**.

(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][amended by P.L.2009-23].

**§205. *Reserved*** [repealed by P.L. 2009-23].

**§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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