

**TITLE 13  
CITIZENSHIP, IMMIGRATION & LABOR**

**DIVISION 1  
CITIZENSHIP**

**Chapter 1  
Citizenship Act**

**Subchapter I  
General Provisions**

- § 101. Short title.
- § 102. Definitions.
- § 103. Bureau of Immigration and Foreign Labor.
- § 104. Copies of records.
- § 105. Issuance of certificate of naturalization or citizenship.
- § 106. Documents and copies issued by the Minister of Human Resources, Culture, Tourism, and Development.

**§ 101. Short title.**

This chapter shall be known as the “Citizenship Act.”

**Source**

RPPL 1-62 § 101, modified. Amended by RPPL 9-3 § 2[101].

**Notes**

The title of Title 13 of the Palau National Code is hereby amended to be re-titled as “CITIZENSHIP, IMMIGRATION & LABOR as per Code Commission pursuant to 1 PNC § 1002.

All references to “Minister/Ministry of Justice” in this Title that pertain to a function transferred to the Ministry of Human Resources, Culture, Tourism, and Development shall hereby be amended to reference “Minister/Ministry of Human Resources, Culture, Tourism, and Development” pursuant to RPPL 11-7 § 20.

All references to “Bureau of Immigration” shall hereby be amended to “Bureau of Immigration and Foreign Labor” pursuant to RPPL 9-14 § 12.

RPPL 9-3 § 1 reads: Legislative Findings. In the November 2004 General Election, the people of the Republic of Palau approved an amendment to Article III of the Constitution, which established that a person’s citizenship in other foreign nations would not disqualify an individual of recognized Palauan ancestry from retaining Palauan citizenship or becoming a citizen of the Republic of Palau. In the November 2008 General Election, the people approved a further

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amendment to Article III of the Constitution, thereby again changing the law with respect to dual citizenship. The subject amendment states in pertinent part that, "Citizenship of other foreign nations shall not affect a person's Palauan citizenship."

ROP v. M/V Aesarea, 1 ROP Intrm. 429, 432 (1988).

### § 102. Definitions.

In this title:

- (a) "Available" means able to be on the island on which the employer desires workers on the date the employer states the workers are desired.
- (b) "Citizen of any other nation" means any natural person who is not a citizen of the Republic.
- (c) "Employer" means any individual, partnership, association, or corporation hiring employees in the Republic and any individual who has in his employ a domestic servant, but does not include any branch or agency of the national government.
- (d) "Employment service" means the employment service established under this title.
- (e) "Employment service officer" means the official who is the head of the employment service established under this title.
- (f) "Naturalization" means the conferring of citizenship upon a person after birth, pursuant to this chapter.
- (g) "Nonresident worker" means any person who is capable of performing services or labor and who is not a citizen of the Republic or an immigrant alien admitted to the Republic for permanent residence under the provisions of this title, including persons acting in a professional, managerial, or executive capacity.
- (h) "Of recognized Palauan ancestry" means of Palauan blood as may be determined by testimony or evidence admissible in a court of law.
- (i) "Resident worker" means any person who is capable of performing services or labor and who is a citizen of the Republic or an immigrant alien admitted to the Republic for permanent residence under the provisions of this title, including persons acting in a professional, managerial, or executive capacity.

(j) “Skilled worker” means an employee with specialized skills, training, knowledge, and acquired ability in order to perform the duties of their employment, such as software development, paramedics, physicians, heavy equipment operator, mechanics, plumbers, craftsmen, and accountants.

(k) “Special mail” means certified mail if the addressee is located in the Republic, in the United States or in what has become known as the Trust Territory of the Pacific Islands and means registered return receipt requested if the addressee is located anywhere else in the world. The term “is located” means the last known address.

**Source**

RPPL 1-62 § 102, § 102(e) omitted as unnecessary and section modified. Subsection (b) amended by RPPL 6-26 § 19(a)[102(b)]. Amended in its entirety by RPPL 9-3 § 2[102]. Amended by RPPL 9-14 § 10, modified. Amended by RPPL 10-19 § 2 to insert a new definition. Subsections (b) and (d) are repealed and the rest of subsections re-lettered accordingly by RPPL 11-7 § 9.

**Notes**

Subsection (m) “Skilled worker” inserted by RPPL 10-19 § 2 is re-lettered as subsection (l) and former subsection (l) re-lettered as (m), and all definitions put to alphabetical order to comply with the Code format.

**§ 103. Bureau of Immigration and Foreign Labor.**

There is hereby established a Bureau of Immigration and Foreign Labor within the Ministry of Justice.

**Source**

RPPL 1-62 § 103. Amended by RPPL 6-26 § 19(b)[103]. Amended by RPL 9-3 § 2[103].

**Notes**

All references to “Bureau of Immigration” shall hereby be amended to “Bureau of Immigration and Foreign Labor” pursuant to RPPL 9-14 § 12.

**§ 104. Copies of records.**

Certifications and certified copies of all papers, documents, certificates and records required or authorized to be issued, used, filed, recorded, or kept under any and all provisions of this chapter shall be admitted in evidence equally with the originals in any and all cases and proceedings under this chapter and in all cases and proceedings in which the originals thereof might be admissible as evidence.

**Source**

RPPL 1-62 § 104, modified.

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### **§ 105. Issuance of certificate of naturalization or citizenship.**

A certificate of naturalization or of citizenship may be issued by the Minister of Justice under the authority of this chapter upon the request of a citizen of Palau and have the same effect in all courts and public offices of the Republic, at home and abroad, as a certificate of naturalization or of citizenship issued by a court having naturalization jurisdiction.

#### **Source**

RPPL 1-62 § 105, modified.

### **§ 106. Documents and copies issued by the Minister of Justice.**

(a) If any certificate of naturalization or citizenship issued to any citizen or any declaration of intention furnished to any declarant is lost, mutilated, or destroyed, the citizen or declarant may make application to the Minister of Justice for a new certificate or declaration. If the Minister of Justice finds that the certificate or declaration is lost, mutilated, or destroyed, he shall issue to the applicant a new certificate or declaration.

(b) If the name of any naturalized citizen has, subsequent to naturalization, been changed by order of any court of competent jurisdiction, or by marriage, the citizen may make application for a new certificate of naturalization in the new name of such citizen. If the Minister of Justice finds the name of the applicant to have been changed as claimed, the Minister of Justice shall issue to the applicant a new certificate and shall notify the court of such action.

#### **Source**

RPPL 1-62 § 106, modified.

**Subchapter II  
Dual Citizenship Permitted**

§ 121. Retention of Palauan citizenship by those who are also citizens of another.

§ 122. Certificates of citizenship; procedure.

**§ 121. Retention of Palauan citizenship by those who are also citizens of another.**

A citizen of Palau, who is also a citizen of another nation, shall be entitled to retain his Palauan citizenship and such dual citizenship unless or until citizenship of either country is renounced or otherwise lost.

**Source**

RPPL 1-62 § 201, modified. Amended by RPPL 9-3 § 2[121].

**Cross-reference**

ROP Const., Art. III, § 3.

**Notes**

Tengadik v. King, 17 ROP 35, 39 (2009).

**§ 122. Certificates of citizenship; procedure.**

Upon proof to the Minister of Justice or upon determination by the court and court order that a citizen who elects to retain Palauan citizenship has complied with all constitutional and legal requirements, and upon a specific request therefor by the citizen, such citizen shall be furnished by the Minister of Justice with a certificate of citizenship. If such applicant is outside of the Republic, the Minister of Justice shall send by mail the duly acquired certificate of citizenship.

**Source**

RPPL 1-62 § 202.

## **13 PNCA § 131      CITIZENSHIP, IMMIGRATION & LABOR**

### **Subchapter III Naturalization**

- § 131. Jurisdiction to naturalize.
- § 132. Requirements as to naturalization.
- § 133. Rules.
- § 134. Forms.
- § 135. Oaths.
- § 136. Petition for naturalization; who and when.
- § 137. Investigation of petitioners; preliminary examination; taking testimony; aid of the court.
- § 138. Same; recommendations of examiner; submission to the court.
- § 139. Final hearing to be held in open court; Minister's right to participate; subpoena of witnesses.
- § 140. Oath of allegiance.
- § 141. Certificate of naturalization; contents.
- § 142. Functions and duties of Clerk of Courts.
- § 143. Revocation of naturalization.

#### **§ 131. Jurisdiction to naturalize.**

(a) Exclusive jurisdiction to naturalize persons as citizens of the Republic is hereby conferred upon the Supreme Court of the Republic of Palau.

(b) A person may be naturalized as a citizen of the Republic in the manner and under the conditions prescribed in this chapter, and not otherwise.

#### **Source**

RPPL 1-62 § 301, modified.

#### **Cross-reference**

ROP Const., Art. III, § 4; Art. IX, § 5(4).

#### **§ 132. Requirements as to naturalization.**

Only persons born of parents, one or both of whom are of recognized Palauan ancestry, may be eligible to become naturalized citizens.

#### **Source**

RPPL 1-62 § 302.

**Cross-reference**  
ROP Const., Art. III, § 4.

**§ 133. Rules.**

The Minister of Justice shall promulgate rules and regulations pursuant to the Administrative Procedures Act of Chapter 1, Title 6 of this Code, as may be necessary to effectuate the purposes of this chapter.

**Source**  
RPPL 1-62 § 303(a), modified. Amended by RPPL 9-3 § 2[133].

**§ 134. Forms.**

The Minister of Justice shall prescribe and furnish such forms as may be required to give effect to the provisions of this chapter, and only such forms as may be so provided shall be legal.

**Source**  
RPPL 1-62 § 303(b), modified.

**§ 135. Oaths.**

Employees may be designated by the Minister of Justice to administer oaths and to take depositions relating to the administration of this chapter.

**Source**  
RPPL 1-62 § 303(c), modified.

**§ 136. Petition for naturalization; who and when.**

(a) An applicant for naturalization shall make and file in the Office of the Clerk of Courts, in duplicate, a sworn petition in writing, signed by the applicant in the applicant's own handwriting if physically able to write, and duly verified by two witnesses, which petition shall be on a form prescribed by the Minister of Justice and shall include averments of all facts which in the opinion of the Minister of Justice may be material to the applicant's naturalization, and required to be proved upon the hearing of such petition.

(b) No person shall file a valid petition for naturalization unless:

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(1) he or she shall have attained the age of eighteen (18) years and be born of parents, one or both of whom are citizens of Palau or are of recognized Palauan ancestry, and

(2) he or she shall have first filed an application at the Bureau in the form and manner prescribed by the Minister of Justice.

(c) Petitions for naturalization shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court.

### **Source**

RPPL 1-62 § 304, modified. Subsection (b)(2) amended by RPPL 6-26 § 19(c)[136(b)(2)]. Amended by RPPL 9-3 § 2[136].

### **§ 137. Investigation of petitioners; preliminary examination; taking testimony; aid of the court.**

(a) At any time prior to the holding of the final hearing on a petition for naturalization provided for by section 139 of this subchapter the Minister of Justice may designate employees of the Bureau to conduct preliminary examinations upon such petitions and to make recommendations thereon to such court. For such purposes any such employee so designated is hereby authorized to take testimony concerning any matter touching, or in any way affecting the admissibility of any petitioner for naturalization, to administer oaths, including the oath of the petitioner for naturalization and the oaths of petitioner's witnesses to the petition for naturalization, and to require by subpoena, the attendance and testimony of witnesses, including petitioner, before such employee so designated and the production of relevant books, papers, and documents, and to that end may invoke the aid of the court. The court may, in the event of neglect or refusal to respond to a subpoena issued by any such employee so designated, or refusal to testify before such employee so designated, issue an order requiring such person to appear before such employee so designated, and produce relevant books, papers, and documents if demanded, and to testify. Any failure to obey such order of the court may be punished by the court as a contempt thereof. The record of the preliminary examination authorized by this subsection shall be admissible as evidence in any final hearing conducted by the court.

(b) The record of the preliminary examination upon any petition for naturalization and recommendation relating thereto, shall upon request by the Minister [be made] by the employee designated to conduct such examination.



**Source**

RPPL 1-62 §§ 305(a) and (b), modified. Subsection (a) amended by RPPL 6-26 § 19(d)[137(a)].

**Notes**

The bracketed [be made] added by editor as complying with likely intention of legislation.

**§ 138. Same; recommendations of examiner; submission to the court.**

The recommendations of the employee designated to conduct any such preliminary examination shall be submitted to the court at the hearing upon the petition and shall include a recommendation that the petition be granted, or denied, or continued, with reasons therefor. In any case in which the recommendation of the Minister of Justice does not agree with that of the employee designated to conduct such preliminary examination, the recommendations of both such employee and the Minister of Justice shall be submitted to the court at the hearing upon the petition, and the officer of the Bureau in attendance at such hearing shall, at the request of the court, present both the views of such employee and those of the Minister of Justice with respect to such petition to the court.

**Source**

RPPL 1-62 § 305(c), made into separate section and modified. Amended by RPPL 6-26 § 19(e)[138].

**§ 139. Final hearing to be held in open court; Minister's right to participate; subpoena of witnesses.**

(a) Every final hearing upon a petition for naturalization shall be had in open court before a justice thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered into in full upon a record kept for the purpose, and upon such final hearing of such petition the petitioner and the witnesses shall be examined under oath before the court and in the presence of a justice of the court. If the petitioner is prevented by sickness or other disability from being in open court for the final hearing upon a petition for naturalization, such final hearing may be had before a justice of the court at such place as may be designated by the court.

(b) The Attorney General shall have the right to appear before the court in any naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of the petition concerning any matter touching or in any way affecting the petitioner's right to admission to citizenship, and shall have the right to call witnesses, including the petitioner, produce evidence, and be heard in opposition to, or in favor of, the granting of any petition in naturalization proceedings.

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(c) The Clerk of Courts shall, if the petitioner requests it within the time fixed by the Court, issue a subpoena for the witnesses named by such petitioner to appear upon the day set for any hearing.

### **Source**

RPPL 1-62 § 306, modified. Amended by RPPL 9-3 § 2[139].

### **§ 140. Oath of allegiance.**

(a) A person who has petitioned for naturalization shall, in order to be and before being admitted to citizenship, take in open court an oath:

- (1) to support the Constitution of the Republic;
- (2) to defend the Constitution and the laws of the Republic against all enemies;  
and
- (3) to bear true faith and allegiance to the same.

(b) If the petitioner is prevented by sickness or other disability from being in open court, the oath required to be taken by subsection (a) of this section may be taken before a justice of the court at such place as may be designated by the court.

### **Source**

RPPL 1-62 § 307, modified. Amended by RPPL 9-3 § 2[140].

### **Cross-reference**

ROP Const., Art. III, § 4.

### **§ 141. Certificate of naturalization; contents.**

A person admitted to citizenship by the Supreme Court in conformity with the provisions of this subchapter shall be entitled upon such admission to receive from the Clerk of Courts a certificate of naturalization, which shall contain substantially the following information:

- (a) number of petition for naturalization;
- (b) number of certificate of naturalization;
- (c) date of naturalization;

- (d) name, place of residence, and personal description of naturalized person, including place of birth, date of birth, sex, marital status, and country of former nationality;
- (e) statement that the petitioner has complied in all respects with all of the applicable provisions of the naturalization laws of the Republic, and was entitled to be admitted a citizen of the Republic;
- (f) attestation of the Clerk of Courts; and
- (g) seal of the Court.

**Source**

RPPL 1-62 § 308, modified. Amended by RPPL 9-3 § 2[141].

**§ 142. Functions and duties of Clerk of Courts.**

- (a) It shall be the duty of the Clerk of Courts to forward to the Minister of Justice a duplicate of each petition for naturalization within fifteen (15) days after the close of the month in which such petition was filed, and to forward to the Minister of Justice certified copies of such other proceedings and orders instituted in or issued out of the court affecting or relating to the naturalization of persons as may be required from time to time by the Minister of Justice.
- (b) It shall be the duty of the Clerk of Courts to issue to any person admitted by the court to citizenship a certificate of naturalization and to forward to the Minister of Justice within fifteen (15) days after the close of the month in which such certificate was issued, and to make and keep on file in the Office of the Clerk of Courts, duplicates thereof.
- (c) It shall be the duty of the Clerk of Courts to report to the Minister of Justice within fifteen (15) days after the close of the month in which the final hearing and decision of the court was had, the name and number of the petition of each and every person who shall be denied naturalization together with the cause of such denial.

**Source**

RPPL 1-62 § 309, modified.

**§ 143. Revocation of naturalization.**

- (a) It shall be the duty of the Attorney General, upon the showing of good cause, to

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institute proceedings in the Supreme Court, for the purpose of revoking and setting aside the order admitting a person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were illegally procured or were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate.

(b) The party to whom was granted the naturalization alleged to have been illegally procured or procured by concealment of a material fact or by willful misrepresentation shall, in any such proceedings under subsection (a) of this section, have sixty (60) days personal notice, unless waived by such party, in which to make answer to the petition of the Republic of Palau; and if such naturalized person be absent from the Republic, such notice shall be given either by personal service upon him or by certified mail.

(c) Whenever an order admitting an applicant to citizenship shall be revoked and set aside or a certificate of naturalization shall be canceled, or both, the court shall make an order canceling such certificate and shall send a certified copy of such order to the Minister of Justice and to the Minister of State. A person holding a certificate of naturalization or citizenship which has been canceled as provided by this section shall upon notice by which the decree of cancellation was made, or by the Minister of Justice , surrender the same to the Minister of Justice.

(d) Nothing contained in this section shall be regarded as limiting, denying or restricting the power of any court, by or in which a person has been naturalized, to correct, reopen, alter, modify, or vacate its judgment or decree naturalizing such person, as may be prescribed by the rules of procedure or statutes governing the jurisdiction of the court to take such action.

#### **Source**

RPPL 1-62 § 310. Amended by RPPL 9-3 § 2[143], modified.

**Chapter 2**  
**Trust Territory Citizenship**

- § 201. Natural citizens.
- § 202. Naturalization; authority of High Commissioner to grant.
- § 203. Same; cancellation.
- § 204. Emigration.

**§ 201. Natural citizens.**

- (a) All persons born in the Trust Territory shall be deemed to be citizens of the Trust Territory, except persons born in the Trust Territory, who at birth or otherwise have acquired another nationality.
- (b) A child born outside the Trust Territory of parents who are citizens of the Trust Territory shall be considered a citizen of the Trust Territory while under the age of twenty one (21) years, and thereafter if he becomes a permanent resident of the Trust Territory while under the age of twenty one (21) years.

**Source**

(Code 1966, § 660.) 53 TTC § 1, modified.

**§ 202. Naturalization; authority of High Commissioner to grant.**

The High Commissioner may grant Trust Territory citizenship to persons who:

- (a) are eighteen (18) years of age or over;
- (b) are of good moral character, as certified by the district administrator and two leading citizens of the community in which they intend to reside;
- (c) have not acquired, or who renounce, previous citizenship and renounce allegiance to any and all foreign powers and rulers;
- (d) have been permanent residents of and legally domiciled continuously in the Trust Territory for at least five years immediately prior to application for citizenship; and
  - (1) have been born of parents, one of whom was a citizen of, and maintained his principal residence in the Trust Territory at the time of the birth; or

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(2) have been born of parents, one of whom has been granted Trust Territory citizenship pursuant to this section.

### **Source**

(Code 1966, § 661.) 53 TTC § 2, modified.

### **§ 203. Same; cancellation.**

Persons naturalized under section 202 of this chapter shall be subject to cancellation of their naturalization after hearing for cause upon application by the High Commissioner to the High Court of the Trust Territory. Cause for revocation of naturalization shall be:

- (a) concealment of a material fact or wilful misrepresentation in applying for naturalization; or
- (b) advocacy of the overthrow or alteration of the government of the United States or the government of the Trust Territory by unlawful means; or
- (c) commission of, or attempt or preparation to commit, an act of espionage, sabotage, or sedition against the government of the United States or the government of the Trust Territory, or conspiring with or aiding and abetting another to commit such an act; or
- (d) fraudulent or illegal entry into the Trust Territory, either prior to or after naturalization; or
- (e) travel, within five (5) years of naturalization, to any foreign country for the purpose of establishment of permanent residence therein; provided, that the United States, its territories and possessions and the Commonwealth of Puerto Rico shall not be considered a foreign country for the purposes of this subsection.

### **Source**

(Code 1966, § 662.) 53 TTC § 3.

### **§ 204. Emigration.**

Prior to leaving the Trust Territory, citizens of the Trust Territory shall obtain such travel documents, including a Trust Territory passport, and comply with such regulations as may be prescribed from time to time by the High Commissioner.

### **Source**

(Code 1966, § 663.) 53 TTC § 4.

**DIVISION 2  
IMMIGRATION**

**Chapter 10**

**Subchapter I  
Immigration Control**

- § 1001. Administration of Immigration.
- § 1002. Entry permits; required; issuance.
- § 1003. Same; authority of Ministry of Finance to issue.
- § 1004. Same; applications.
- § 1005. Same; standards for exclusion.
- § 1006. Same; revocation.
- § 1007. [Repealed]
- § 1008. Ministry of Finance; entry and inspection functions.
- § 1009. Inspection of vessels and aircraft.
- § 1010. Waiver of provisions.
- § 1011. Penalties for violation of chapter.
- § 1012. Entry by vessels and aircraft; environmental message.
- § 1013. Elite resident visa program.

**§ 1001. Administration of Immigration.**

The Ministry of Finance shall perform such duties pertaining to immigration and administer all laws and regulations pertaining thereto as the President may delegate.

**Source**

(Code 1966, § 665; P.L. No. 4C-48, § 7(12).) 53 TTC § 52, modified. Amended by RPPL 6-26 § 19(f). Amended by RPPL 11-7 § 10.

**Notes**

All references to the “Bureau of Immigration” shall hereby be amended to say “Bureau of Immigration and Foreign Labor” pursuant to RPPL 9-14 § 12.

**§ 1002. Entry permits; required; issuance.**

- (a) No person, vessel or aircraft, unless specifically exempted by applicable law and regulations, shall enter the Republic without having been issued an appropriate entry permit.

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(b) Entry permits to visit or reside in the Republic shall be issued in accordance with this title and regulations issued pursuant thereto by the President.

(c) Entry may be issued in conjunction with a nonresident worker's identification certificate issued under the provisions of this chapter. Entry permits issued under the provisions of this subsection shall carry the notation that they are issued in conjunction with a nonresident workers' identification certificate, and shall expire upon the date on which such nonresident workers' identification certificate expires.

(d) Provisions of law and regulations implementing this section may, pursuant to article 3, paragraph 1 of the trusteeship agreement for the former Japanese Mandated Islands, accord the United States citizens and nationals treatment more favorable than is accorded persons other than United States citizens and nationals.

### Source

(Code 1966, § 667; P.L. No. 5-8, § 1.) 53 TTC § 53, modified. Subsections (b) and (c) amended by RPPL 9-14 § 13, modified. Amended by RPPL 9-49 § 6 [1002]. RPPL 9-62 § 29 restore § 1002 to its original language prior to its amendment by RPPL 9-49.

### Cross-reference

See Trusteeship Agreement for the former Japanese Mandated Islands.

### Notes

Republic of Palau v. Carreon, 19 ROP 66, 82 (2012).

ROP v. Baga, 8 ROP Intrm. 340 (Tr. Div. 1999).

Kodang v. Trust Territory, 5 TTR 581 (1971).

Meyer v. Epson, 3 TTR 54 (1965).

Section 142 of the Compact of Free Association reads:

(a) Any citizen or national of the United States may enter into, lawfully engage in occupations, and reside in Palau, subject to the right of that Government to deny entry to or deport any such citizen or national as an undesirable alien. A citizen or national of the United States may establish habitual residence or domicile in Palau only in accordance with the laws of Palau. This subsection is without prejudice to the right of the Government of Palau to regulate occupations in Palau in a non-discriminatory manner.

(b) With respect to the subject matter of this Section, the Government of Palau shall accord to citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries; any denial of entry to or deportation of a citizen or national of the United States as an undesirable alien must be pursuant to reasonable statutory grounds.



**§ 1003. Same; authority of Ministry of Finance to issue.**

The Ministry of Finance shall have the authority in the case of visitors, to issue entry permits and to permit entry into the Republic of persons, vessels, and aircraft, under the provisions of this title, regulations promulgated by the President pursuant thereto, and under such conditions as may be prescribed from time to time by the President.

**Source**

(Code 1966, § 666.) 53 TTC § 54, modified. Amended by RPPL 6-26 § 19(g). Amended by RPPL 11-7 § 10.

**Notes**

Kodang v. Trust Territory, 5 TTR 581 (1971).

Meyer v. Epson, 3 TTR 54 (1965).

**§ 1004. Same; applications.**

Applications for a permit to enter the Republic shall be made to the President in such form and manner as he shall prescribe from time to time.

**Source**

(Code 1966, § 669.) 53 TTC § 55, modified.

**§ 1005. Same; standards for exclusion.**

The President may deny entry or an entry permit to any person or revoke an entry permit upon substantial evidence of any of the following:

- (a) the wilful furnishing of false, incomplete, or misleading information in an application for an entry permit;
- (b) the advocacy of the overthrow or alteration of the government of the United States or the government of the Republic by unlawful means;
- (c) the commission of, or attempt or preparation to commit, an act of espionage, sabotage, sedition, or treason against the government of the United States or the government of the Republic, or conspiring with or aiding or abetting another to commit such an act;
- (d) performing or attempting to perform duties, or otherwise acting so as to serve the interests of another government, to the detriment of the United States or the Republic;

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- (e) deliberate unauthorized disclosure of classified defense information;
- (f) membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group or combination of persons, designated by the Attorney General of the United States pursuant to Executive Order 10450 of April 27, 1953, as amended;
- (g) serious mental irresponsibility evidenced by having been adjudged insane, or mentally irresponsible, or an incompetent, or a chronic alcoholic, or treated for serious mental or neurological disorders or for chronic alcoholism, without evidence of cure;
- (h) addiction to the use of narcotic drugs without adequate evidence of rehabilitation;
- (i) conviction of any of the following offenses under circumstances indicative of a criminal tendency potentially dangerous to the security of a strategic area containing military establishments: arson, unlawful trafficking in drugs, espionage, sabotage, treason, murder, kidnaping, blackmail, or sex offenses involving minors or perversion;
- (j) illegal presence in the United States, its territories or possessions, having been finally subject to deportation order, or voluntary departure in lieu of deportation order, by the United States Immigration and Naturalization Service;
- (k) the applicant or entry permit holder has been convicted of committing, attempting to commit, or conspiring to commit an offense which would be a felony if committed in the Republic or a crime of moral turpitude.
- (l) a finding by the President [that] such denial or revocation is in the best interest of the Republic.

### Source

(Code 1966, § 668.) 53 TTC § 56, modified. RPPL 6-23 § 2(a), modified. RPPL 6-23 § 2(a) amended the beginning clause of this section by adding the power of the President to revoke an entry permit and essentially repealed the former subsection (k) and replaced it with the new subsection (k). Subsection (l) was also added by RPPL 6-23 § 2(a).

### Notes

The bracketed word [that] in subsection (l) was added by the Code Commission.

Section 1 of RPPL 6-23 reads:

Section 1. Findings and Purposes. The Olbiil Era Kelulau finds that it is in the best interest of the Republic to deny entry into the Republic or revoke any entry permit of non-citizen immigrants or non-citizen residents who have been convicted of any felony committed in the Republic if convicted of a crime

of moral turpitude, or for any reason that the President of the Republic finds will not be in the best interest of the Republic.

Section 142 of the Compact of Free Association reads:

(a) Any citizen or national of the United States may enter into, lawfully engage in occupations, and reside in Palau, subject to the right of that Government to deny entry to or deport any such citizen or national as an undesirable alien. A citizen or national of the United States may establish habitual residence or domicile in Palau only in accordance with the laws of Palau. This subsection is without prejudice to the right of the Government of Palau to regulate occupations in Palau in a non-discriminatory manner.

(b) With respect to the subject matter of this Section, the Government of Palau shall accord to citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries; any denial of entry to or deportation of a citizen or national of the United States as an undesirable alien must be pursuant to reasonable statutory grounds.

Xiao v. ROP, 2020 Palau 4 ¶¶ 5, 33.

### **§ 1006. Same; revocation.**

Permits to enter the Republic may be revoked or renewal of such permits refused by the President at any time upon a finding that:

- (a) the continued presence of the permit holder in the Republic is not in the best interest of the Republic; or
- (b) the entry permit was obtained through concealment of a material fact or wilful misrepresentation relating to any of the standards enumerated in section 1005 of this chapter; or
- (c) the entry permit holder has, since entry into the Republic, engaged in any of the activities or become subject to any of the conditions enumerated in section 1005 of this chapter; or
- (d) the nonresident workers' identification certificate issued in conjunction with such entry permit has been cancelled.

#### **Source**

(Code 1966, § 670; P.L. No. 5-8, §§ 2, 3.) 53 TTC § 57, modified.

## **13 PNCA § 1007      CITIZENSHIP, IMMIGRATION & LABOR**

### **§ 1007. Visa Fees. [Repealed]**

#### **Source**

(Code 1966, § 671.) 53 TTC § 58, modified. Repealed by RPPL 6-23 § 2(b). A new § 1007 incorporated by RPPL 9-49 § 6 [1007], modified. Repealed by RPPL 9-62 § 28.

### **§ 1008. Ministry of Finance; entry and inspection functions.**

The Ministry of Finance shall act as the principal entry officer and shall perform such duties as may be imposed herein or by regulation issued hereunder from time to time by the President. The Ministry of Finance shall also perform such duties as may be required by all other laws and regulations of the Republic pertaining to entry and movement of persons, vessels, and aircraft.

#### **Source**

(Code 1966, § 672.) 53 TTC § 59, modified. Amended by RPPL 6-26 § 19(h). Amended by RPPL 11-7 § 10.

#### **Notes**

In a subsection of RPPL 7-28 § 27 the “Counter-Terrorism Act of 2007”, codified at 17 PNC § 2231(b), states that “Title 13 of the Palau National Code is hereby amended to conform to the requirements of this section.”

### **§ 1009. Inspection of vessels and aircraft.**

Incoming vessels shall be boarded by an immigration officer from the Ministry of Finance who shall examine the travel documents of each passenger and, if the passenger is eligible to enter the Republic, shall affix to the passport or entry permit an official stamp showing the date and place of entry. The same procedure shall be followed for passengers arriving on aircraft except that immigration officers shall provide facilities for inspection after the passengers have disembarked and prior to their departure from the airport terminal. This official stamp shall include an area for visitors to acknowledge the cultural and environmental protection policies of the Republic.

#### **Source**

(Code 1966, § 673.) 53 TTC § 60, modified. Amended by RPPL 10-30 § 2. Amended by RPPL 11-7 § 10.

### **§ 1010. Waiver of provisions.**

The President may waive any procedural requirements of this chapter, or of regulations issued pursuant thereto, and of section 202, chapter 2, Title 7 of this Code, in individual cases when, in his discretion, circumstances warrant.

**Source**

(Code 1966, § 674.) 53 TTC § 61, modified.

**§ 1011. Penalties for violation of chapter.**

Any person who, not being a citizen or legal resident of the Republic, shall unlawfully enter or attempt to enter the Republic or, having lawfully entered, remains wilfully and unlawfully after expiration or revocation of entry authorization, or who shall violate by act or omission any provision of this chapter, or regulations issued pursuant thereto shall, upon conviction thereof, be imprisoned for a period of not more than two (2) years, or fined not more than five hundred dollars (\$500), or both. In lieu of the foregoing or in addition thereto, any person who shall unlawfully enter the Republic or, having lawfully entered, wilfully and unlawfully remains after expiration or revocation of an entry permit, shall be subject to deportation after hearing upon application by the President to the Supreme Court.

**Source**

(Code 1966, § 680; P.L. No. 4C-27 § 3.) 53 TTC § 62, modified.

**Notes**

Labarda v. ROP, 11 ROP 43, 45 (2004).  
ROP v. Baga, 8 ROP Intrm. 340 (Tr. Div. 1999).  
ROP v. Okamoto, 1 ROP Intrm. 271 (1985).  
Trust Territory v. Arce, (App. Div., April 1976).

**§ 1012. Entry by vessels and aircraft; environmental message.**

Entry permits for vessels or aircraft may be conditioned upon an agreement that the vessel or aircraft will abide by all applicable regulations, including those that require the vessel or aircraft to assist the Republic in notifying passengers, either through the distribution of literature, the playing of video, or otherwise, of the Republic's environmental protection, cultural preservation, or other policies.

**Source**

RPPL 10-30 § 3.

**Notes**

Former § 1012: RPPL 3-37 § 24 was repealed by RPPL 6-26 § 19(i).

## **13 PNCA § 1013      CITIZENSHIP, IMMIGRATION & LABOR**

### **§ 1013. Elite resident visa program.**

(a) There is hereby established an elite resident visa program which shall be under the direction of the Ministry of Finance and the Immigration Bureau shall clear all visas, upon approval by the Ministry of Finance.

(b) A non-citizen applying for an elite resident visa shall meet the following criteria:

(1) The non-citizen shall have entered into a valid contract with a Palauan citizen, non-governmental entity wholly owned by a Palauan citizen, clan, family, or corporation, or business entity for the purchase or lease of a dwelling for the price of at least two hundred and fifty thousand dollars (\$250,000) or more. To qualify under this subsection, the dwelling purchase must be made by cash payments. The non-citizen must pay the contract price in full prior to the issuance of an elite visa under this section;

(2) The non-citizen and any dependents who will be living with the non-citizen in Palau shall not have been convicted of a felony or a crime of moral turpitude, and there shall not be any criminal charges of such offense pending against either the non-citizen or any dependents of the non-citizen who will be living with the non-citizen. Any non-citizen applicant for an elite resident visa shall be required to file an affidavit regarding his or her background, including but not limited to: convictions for felonies, convictions for crimes of moral turpitude, and any pending felony charges; and confirmation of applicant's income, assets, savings, liabilities and obligations. In addition, any applicant for an elite resident visa shall be required to authorize the release of any and all information necessary for a civil and criminal background check that shall be performed by the Minister prior to the issuance of an elite resident visa. The Director shall set a nominal processing fee for this background check in accordance with 6 PNC Chapter 1;

(3) The non-citizen shall have major medical health insurance, covering himself or herself, and any dependents who will be living with the non-citizen in Palau, to prevent any medical costs being incurred by the Republic on behalf of the non-citizen or any of his or her dependents residing in the Republic of Palau. The non-citizen applicant must also demonstrate that he, she, or any of his or her dependents living in the Republic of Palau under an elite tourist visa are entirely covered for any and all healthcare expenses, including pre-existing conditions, by his or her medical insurance;

(4) Non-citizens holding elite resident visas shall not be permitted any discounted medical services in the Republic of Palau, and shall remain liable for the full cost of any healthcare service incurred by the non-citizen or his or her dependents residing in the Republic on an elite resident visa; and

(5) An applicant for an elite resident visa must demonstrate to the Bureau, prior to the issuance of the elite resident visa and thereafter, annually, on the anniversary of such issuance, that he or she has adequate financial means with which to support himself or herself, and any of his or her dependents that shall reside in the Republic of Palau under his or her elite resident visa.

(c) An elite resident visa to visit the Republic shall be valid for a period of ten (10) years and valid for unlimited multiple entries into the Republic. The visa shall be renewable at the end of every ten year period upon a showing that the visa holder continues to meet the criteria set forth in subsection (b) of this section.

(d) The fee for issuing an initial elite resident visa shall be twenty thousand dollars (\$20,000), payable to the National Treasury; the fee is non-refundable. The renewal fee shall be ten thousand dollars (\$10,000), payable to the National Treasury; the renewal fee is non-refundable. The number of non-citizens that may hold a current elite resident visa at any time shall be limited to one thousand (1,000).

(e) Dependents of an elite resident visa holder shall be issued elite resident dependent visas that shall expire simultaneously with the corresponding elite resident visa. For each such dependent visa, a non-refundable fee of twenty thousand dollars (\$20,000) shall be paid to the National Treasury. For the purposes of this section, dependents shall be limited to spouses and children twenty-one (21) years of age or younger. The twenty thousand dollars (\$20,000) non-refundable fee for dependent children may be prorated at two thousand dollars (\$2,000) per year for the period, or number of years, less than ten (10) years and more than one (1) year, until each dependent child reaches age twenty-one (21).

(f) In addition to any of the grounds specified in 13 PNC section 1006, the following shall constitute grounds for revocation of elite resident visas by the order of the President or the Minister of Finance:

(1) Conviction of a violation of any applicable laws regarding foreign investments;

## **13 PNCA § 1013      CITIZENSHIP, IMMIGRATION & LABOR**

- (2) Where the purchase of the dwelling as required in § 1013(b)(1) is not finalized, the visa holder no longer lives in the purchased dwelling, or sells or otherwise disposes of the dwelling without purchasing another dwelling of equal or greater value;
  - (3) Where the visa holder no longer meets the requirements of § 1013(b)(1) for any other reasons; and/or
  - (4) Where the visa holder cannot show a source of income adequate for self-support and support of dependents.
  - (5) Before any order of revocation becomes final, the visa holder shall be entitled to a hearing before the Minister of Finance or his or her designee, at which hearing the provisions of subchapter III of 6 PNC, chapter 1, shall apply.
- (g) Nothing in this section shall be construed to allow the holder of an elite resident visa to be eligible for any additional right of entry into the Republic of Palau.
- (h) A non-citizen applying for an elite resident visa may be denied such visa in accordance with the provisions set forth in 13 PNC section 1005, as amended by RPPL 6-23.
- (i) Upon the death of an elite tourist visa holder during the term of his or her elite resident visa, the elite resident visa may be transferred to a designated person for the remainder of the term of the deceased's elite resident visa, provided that all of the applicable requirements of this section have been fulfilled by the deceased elite resident visa holder and by the transferee. The initial transfer fee for a transferred elite resident visa under this subsection shall be five thousand dollars (\$5,000), payable to the National Treasury; this fee is non-refundable. A renewal of a transferred elite resident visa shall be subject to the renewal fees in subsection (d) of this section.
- (j) Holders of elite resident visas or their dependents shall not be eligible to hold a Labor Permit under Title 13 Subchapter II of the Palau National Code. Nothing herein shall be construed to exempt elite resident visa holders or their dependents from the requirements of Title 28 chapter 1.
- (k) The Minister of Finance may promulgate regulations as may be appropriate to carry out the purposes of this section.



## **IMMIGRATION CONTROL**

**13 PNCA § 1013**

### **Source**

RPPL 7-38 § 3, modified.

### **Notes**

Title referenced in this section has been changed pursuant to RPPL 9-14 § 14.

**13 PNCA      CITIZENSHIP, IMMIGRATION & LABOR**

**Chapter 11  
Ports of Entry**

- § 1101. Entry of vessels at ports required.
- § 1102. Official ports of entry.
- § 1103. Foreign fishing vessel entry.
- § 1104. Same; access to live bait.
- § 1105. [Repealed.]
- § 1106. Penalties.
- § 1107. Ports authorized to issue entry permits.
- § 1108. Manifest required for unlicensed vessels.
- § 1109. Inspection at ports of entry.
- § 1110. Pilots.

**§ 1101. Entry of vessels at ports required.**

All vessels and aircraft authorized to enter the Republic must enter and obtain clearance from an official port of entry, and no vessel or aircraft shall call at any other port in the Republic without first entering and obtaining clearance from an official port of entry unless the President or his designated representative determines that the public interest or an emergency requires the vessel or aircraft to enter another port without first entering and obtaining clearance from an official port of entry, and grants permission to do so. A vessel or aircraft in distress may anchor or land at any port in the Republic but shall immediately thereafter notify the nearest government representative of the national government or state government.

**Source**

53 TTC § 101(1), modified.

**§ 1102. Official ports of entry.**

The official ports of entry in the Republic of Palau shall be:

- (a) Malakal Harbor;
- (b) Ngardmau Dock;
- (c) Airai Airport;
- (d) Peleliu Airport; and

## **13 PNCA § 1102      CITIZENSHIP, IMMIGRATION & LABOR**

(e) Angaur Airport.

### **Source**

53 TTC § 101(1), port of entry designations for other districts omitted and section modified. Subsection (b) amended by RPPL 6-40 § 29[1102]. Amended by RPPL 8-4 § 2, modified. Subsection (b) amended by RPPL 10-42 § 39.

### **§ 1103. Foreign fishing vessel entry.**

Subject to approval by resolution of the Olbiil Era Kelulau, foreign fishing vessels shall be granted permission to enter Malakal Harbor for the purpose of purchasing supplies and provisions including food, fuel and water and for the purpose of granting shore leave to crew members.

### **Source**

53 TTC § 101(2), port of entry designations for other districts omitted and section modified.

### **§ 1104. Same; access to live bait.**

Native varieties of live bait fish may only be sold to foreign fishing vessels if such sales are authorized by law of the state affected. The President shall prescribe rules and regulations to control the opening of ports to foreign fishing vessels, including regulations for the conservation of native stocks of live bait fish. The President may also grant access to additional ports, not designated in this section, to foreign fishing vessels subject to approval of the state legislature of the state affected.

### **Source**

53 TTC § 101(3), modified.

### **§ 1105. [Repealed.]**

### **Source**

53 TTC § 101(4) to (6), modified; repealed by RPPL 4-10 § 28.

### **§ 1106. Penalties.**

Any person who violates any of the provisions of sections 1101, 1103, and 1104 of this chapter, or any of the rules and regulations issued pursuant hereto, shall upon conviction thereof be subject to a fine of not less than ten thousand dollars (\$10,000), or to imprisonment for a term

not to exceed two (2) years, or both.

**Source**

53 TTC § 101(7), modified.

**§ 1107. Ports authorized to issue entry permits.**

The Director of Immigration is hereby authorized to issue entry permits as prescribed by the President, at Malakal Harbor, Koror.

**Source**

53 TTC § 102, port of entry designation for other districts omitted and section modified. Amended by RPPL 6-26 § 19(j).

**§ 1108. Manifest required for unlicensed vessels.**

The master or other person having the command or charge of any unlicensed vessel, shall, on entry of such vessel into the port designated in section 1107 of this chapter, file a manifest in the form prescribed by the President and signed by such master or other person having the command or charge of said vessel under oath as to the truth of the statements therein contained. Such manifest shall contain:

- (a) the name, description, and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs and the name of the master of such vessel;
- (b) a detailed account of all merchandise, if any, on board such vessel;
- (c) an account of the sea stores and ship's stores on board the vessel;
- (d) the names of all crew members and passengers aboard such vessel; and
- (e) a statement by the master or other person having the command or charge of said vessel as to the purpose of entry and approximate duration of stay in the territorial or inland waters of the Republic.

**Source**

(Code 1966, § 880.) 53 TTC § 103, modified.

## **13 PNCA § 1109      CITIZENSHIP, IMMIGRATION & LABOR**

### **§ 1109. Inspection at ports of entry.**

All vessels and aircraft entering and departing a port of entry shall be subject to immigration inspection, customs inspection, agricultural inspection and quarantines, public health inspection and quarantines, and other administrative inspections authorized by law. If any vessel or aircraft not being in distress enters or attempts to enter a port in violation of the provisions of this section, such information shall be communicated by the fastest available means to the Bureau of Public Safety or the Director of Immigration.

#### **Source**

(Code 1966, § 872(b).) 53 TTC § 104, modified. Amended by RPPL 6-26 § 19(k).

### **§ 1110. Pilots.**

(a) The President shall designate and by proclamation announce those waters of the Republic in which foreign registered vessels shall be required to have in their service a Republic registered pilot for the waters concerned, who shall be subject to the customary authority of the master and direct the navigation of the vessel in those waters. These designations shall be made with due regard to the public interest, the effective utilization of navigable waters, and marine safety.

(b) The registration of Republic pilots shall be carried out by the Director of the Division of Transportation and Communication under such regulations as to qualifications, terms and conditions which will assure adequate and efficient pilot service. The qualifications, terms and conditions to be met by each pilot shall include, but not be limited to, availability for service when required and agreement to comply with all applicable regulations issued by the Director pursuant to this section.

(c) The Director shall issue documentary evidence of registration to Republic registered pilots and such evidence shall be in their possession at all times when in service of a vessel. This evidence of registration shall describe the part or parts of the Republic waters within which the holder is authorized to perform pilotage.

(d) The Director shall establish by regulation the period of validity of registration of Republic registered pilots. When the Director determines on record, after notice and opportunity for a hearing, that a registered pilot has violated any regulation pursuant to this section, he may revoke or suspend the registration of such pilot.

(e) The Director shall establish by regulation the rates, charges and any other conditions

or terms for services performed by registered pilots to meet the provisions of this section.

(f) The rates, charges and other conditions or terms for pilotage services by registered pilots established by the Director in accordance with subsection (e) of this section shall be fair and equitable, giving due consideration to the public interest and the reasonable cost and expense of providing and maintaining such facilities and arrangements as are required for the efficient performance of pilotage services in accordance with provisions of this section.

(g) Any owner, master or person in charge of a vessel subject to this section who permits the navigation of the vessel by a person not a registered pilot in waters designated by the President pursuant to subsection (a) of this section or who permits the navigation of the vessel without having on board a registered pilot shall be liable to the Republic government in a civil penalty not exceeding one thousand dollars (\$1,000) for each violation, for which sum the vessel shall be liable and may be seized and proceeded against by way of libel in the Supreme Court. Each day the vessel shall be so navigated shall constitute a separate violation.

(h) Notwithstanding any other provision of this section, a vessel may be navigated in Republic waters without a Republic registered pilot when:

- (1) the Director, or his designee, notifies the master that a registered pilot is not available;
- (2) the vessel or its cargo is in distress or jeopardy; or
- (3) the vessel is a foreign fishing vessel or military vessel.

**Source**

(P.L. No. 7-109, § 1.) 53 TTC § 105, modified.

## **13 PNCA § 1201      CITIZENSHIP, IMMIGRATION & LABOR**

### **Chapter 12 Republic of Palau Passport Act of 1994**

- § 1201. Purpose.
- § 1202. Definitions.
- § 1203. Authority to grant, issue and verify passports.
- § 1204. Persons entitled to passport.
- § 1205. Application for passport; verification by oath of initial passport.
- § 1206. Types of passports.
- § 1207. Fees for execution and issuance of passports.
- § 1208. Validity of passport; limitation of time; outstanding passport.
- § 1209. Manually-read Republic of Palau passports; expiration.
- § 1210. Security of passports.
- § 1211. Alteration, mutilation, falsification, use other than by bearer.
- § 1212. Contract for procurement of passports.
- § 1213. Regulations.
- § 1214. Authority to grant, issue, and renew diplomatic passports.
- § 1215. Persons authorized to hold diplomatic passports.
- § 1216. Use and surrender of diplomatic passports.

#### **§ 1201. Purpose.**

The purpose of this chapter is to regulate the issuance of Republic of Palau passports and to regulate the use of Trust Territory of the Pacific Islands passports. This chapter shall be known as the “Republic of Palau Passport Act of 1994.”

**Source**  
RPPL 4-27 § 1, modified.

#### **§ 1202. Definitions.**

The following definitions are to be used in interpreting this chapter. Any term not listed below is to be accorded its ordinary dictionary definition:

- (a) “Government” means the National Government of the Republic of Palau.
- (b) “Minister” means the Minister of State.



(c) “Passport” means any travel document issued by competent authority showing the bearer’s origin, identity, and nationality, if any, which is valid for the entry of the bearer into a foreign country.

**Source**

RPPL 4-27 § 2, modified. RPPL 5-24 § 2(a) added new subsections (a) & (b) and re-lettered subsequent definitions. Amended by RPPL 7-3 § 6.

**Notes**

The Code Commission has determined that RPPL 7-3 § 6 intended the repeal of subsections (d) and (e). The relevant portion reads as follows:

Section 6. Amendments. 13 PNC Chapter 12, the Republic of Palau Passport Act of 1994, as amended by RPPL No. 5-24, is further amended to read as follows:

“ . . . .

Section 1202. Definitions.

(a) ‘Government’ means . . . .

(b) ‘Minister’ means . . . .

(c) ‘Passport’ means . . . .

. . . .

13 PNC § 1202 formerly included subsections (d) and (e) which read:

(d) “Trust Territory of the Pacific Islands passport” means a passport or travel document issued by the government of the Trust Territory of the Pacific Islands.

(e) “Two-year transition period” means a two-year period beginning on the effective date of implementation of the Compact of Free Association.

**§ 1203. Authority to grant, issue and verify passports.**

The Minister of State or his designees may grant, issue, renew, verify, or revoke passports on behalf of the Republic of Palau. Passports may be granted, issued, renewed, verified, or revoked in foreign countries by diplomatic representatives of the Republic of Palau, under such regulations as the Minister of State shall promulgate on behalf of the Republic of Palau, and no other person shall grant, issue, verify, or revoke Republic of Palau passports.

**Source**

RPPL 4-27 § 3.

**§ 1204. Persons entitled to passport.**

No passport shall be granted, renewed, issued to, or verified for any person other than a citizen of the Republic of Palau, except for individuals residing in the Republic of Palau who carry or are

## **13 PNCA § 1204      CITIZENSHIP, IMMIGRATION & LABOR**

eligible for Trust Territory of the Pacific Islands passports as of the effective date of this chapter, who are not citizens of any other country, and who apply for a Republic of Palau passport within the two-year transition period.

### **Source**

RPPL 4-27 § 4, modified.

### **§ 1205. Application for passport; verification by oath of initial passport.**

If the applicant has not previously been issued a Republic of Palau passport, the application and its contents shall be sworn to by the applicant before a person authorized and empowered by the Minister of State to administer oaths. The giving of any false or misleading information in the application may be grounds for denial or revocation of the passport.

### **Source**

RPPL 4-27 § 5. Amended in its entirety by RPPL 7-3 § 6.

### **Notes**

The Code Commission has determined that RPPL 7-3 § 6 intended an amendment in its entirety. The relevant portion reads as follows:

Section 1205. Application for passport; verification by oath of initial passport. If the applicant has not previously been issued a Republic of Palau passport, the application and its contents shall be sworn to by the applicant before a person authorized and empowered by the Minister of State to administer oaths. The giving of any false or misleading information in the application may be grounds for denial or revocation of the passport.

....

13 PNC § 1205 formerly read:

Before a passport is issued to any person by or under authority of the Republic of Palau, the person shall subscribe to and submit a written application which shall contain a true recital of each and every matter of fact which may be required by law or by any regulation authorized by law to be stated as a prerequisite to the issuance of a Republic of Palau passport. If the applicant has not previously been issued a Republic of Palau passport or a Trust Territory of the Pacific Islands passport, the application and its contents shall be sworn to by the applicant before a person authorized and empowered by the Minister of Justice to administer oaths. The giving of any false or misleading information in the application may be grounds for denial or revocation of the passport.

### **§ 1206. Types of passports.**

There shall be three types of passports in the Republic of Palau: Diplomatic, Official, and Regular. No Diplomatic passport shall be issued until legislation establishing qualifications for recipients has been enacted. Within forty-five (45) days of the effective date of this chapter, the

President shall submit such legislation. Official passports may be issued to elected officials of the National Government, including the President, the Vice President and members of Congress; Ministers; members of the Council of Chiefs; and Justices of the Supreme Court who are citizens of Palau. The Minister of State shall, by regulation, establish other eligibility requirements for all types of passports.

**Source**

RPPL 4-27 § 6, modified.

**§ 1207. Fees for execution and issuance of passports.**

Except as provided in (a) and (b) below, there shall be collected and paid into the National Treasury a fee, prescribed by the Minister of State by regulation, which shall not be less than full cost to the National Government for each passport issued or renewed.

(a) No fee shall be charged for currently valid passports converted to Machine Readable Travel Documents within sixty (60) days of the effective date of this section, as amended.

(b) No fees shall be charged for Official or Diplomatic passports.

**Source**

RPPL 4-27 § 7. Amended in its entirety by RPPL 7-3 § 6.

**§ 1208. Validity of passport; limitation of time; outstanding passport.**

A regular passport shall be valid for a period of five (5) years from the date of issue for an eligible person below sixteen (16) years of age and ten (10) years from the date of issue for an eligible person at least sixteen (16) years of age. Official and diplomatic passports shall be valid for a period of up to four and a half (4 ½) years. An official or diplomatic passport shall not be used by the holder after the expiration of his or her term of office and shall be surrendered to the Ministry of State within twenty (20) days of such expiration. The Minister of State may limit the validity of a passport to a lesser period in an individual case.

**Source**

RPPL 4-27 § 8. Amended by RPPL 5-24 § 2(b). Amended in its entirety by RPPL 7-3 § 6. Amended by RPPL 10-47 § 2.

## **13 PNCA § 1209      CITIZENSHIP, IMMIGRATION & LABOR**

### **§ 1209. Manually-read Republic of Palau passports; expiration.**

There shall be a transition period expiring December 31, 2006, during which time Republic of Palau passports incapable of being machine-read shall remain valid. Prior to December 31, 2006, all persons bearing Republic of Palau passports which cannot be machine-read, shall submit their passports to the Ministry of State in order to obtain machine-readable Republic of Palau passports. Starting on January 1, 2007, only machine-readable Republic of Palau passports shall be valid, and all others shall be invalid for all purposes.

#### **Source**

RPPL 4-27 § 9. Amended in its entirety by RPPL 7-3 § 6.

#### **Notes**

The Code Commission has determined that RPPL 7-3 § 6 intended an amendment in its entirety. The relevant portion reads as follows:

Section 1209. Manually-read Republic of Palau passports; expiration. There shall be a transition period expiring December 31, 2006, during which time Republic of Palau passports incapable of being machine-read shall remain valid. Prior to December 31, 2006, all persons bearing Republic of Palau passports which cannot be machine-read, shall submit their passports to the Ministry of State in order to obtain machine-readable Republic of Palau passports. Starting on January 1, 2007, only machine-readable Republic of Palau passports shall be valid, and all others shall be invalid for all purposes.  
....”

13 PNC § 1209 formerly read:

There shall be a two-year transition period, during which time Trust Territory of the Pacific Islands passports shall remain valid. During this two-year period all persons bearing Trust Territory of the Pacific Islands passports shall submit their passports to the Ministry of State in order to obtain a Republic of Palau passport.

### **§ 1210. Security of passports.**

The President and Minister of State shall take all measures necessary to maintain the security of Republic of Palau passports.

#### **Source**

RPPL 4-27 § 10.

### **§ 1211. Alteration, mutilation, falsification, use other than by bearer.**

Republic of Palau passports may not be altered, mutilated, or falsified in any way. Alteration, mutilation, or falsification may make a passport invalid, and if willful, may subject the bearer to prosecution. It shall be unlawful for any person other than the bearer to use a Republic of Palau

passport. Any person guilty of intentionally altering, mutilating, or falsifying a Republic of Palau passport, or using another's Republic of Palau passport, shall be sentenced to a term of not less than two (2) years nor more than ten (10) years, a fine of not less than ten thousand dollars (\$10,000) nor more than five hundred thousand dollars (\$500,000), or both.

**Source**

RPPL 4-27 § 11.

**§ 1212. Contract for procurement of passports.**

The President is hereby authorized to enter into an agreement during Fiscal Year 1994 for designing and printing of Republic of Palau passports. The agreement shall not be subject to the procurement requirements in chapter 4 of Title 40 of the Palau National Code Annotated.

**Source**

RPPL 4-27 § 12, modified.

**§1213. Regulations.**

The Minister is authorized to promulgate regulations consistent with sections 1201 through 1216 to effectuate the intent and purpose of this chapter.

**Source**

RPPL 4-27 § 13. Amended by RPPL 5-24 § 2(c), modified.

**§1214. Authority to grant, issue, and renew diplomatic passports.**

The President of the Republic of Palau or his designee may grant, issue, renew, verify or revoke Republic of Palau diplomatic passports to qualified individuals. Except as set forth herein or in regulations promulgated by the President or his designee, no other person shall have authority to grant, issue, renew, verify or revoke Republic of Palau diplomatic passports. Diplomatic passports may be held by individuals at the same time as they hold a regular passport. This section shall not be deemed to revoke or limit the authority of the Minister under this chapter concerning other classes of passports.

**Source**

RPPL 5-24 § 2(d), modified.

## **13 PNCA § 1215      CITIZENSHIP, IMMIGRATION & LABOR**

### **§1215. Persons authorized to hold diplomatic passports.**

The President or his designee may issue a diplomatic passport to a citizen of the Republic who meets the following criteria:

- (a) The person is employed by the Government and has a duty station located outside of the Republic of Palau; or
- (b) The President or his designee determines that the person's activities on behalf of the Government are diplomatic in nature insofar as the person is authorized as part of his or her duties to represent the Government in dealing with foreign governments; or
- (c) The person (1) is a dependent of the person holding a diplomatic passport pursuant to subsection (a) or (b) of this section, and (2) is residing with such person during the course of his or her tour of duty abroad.

#### **Source**

RPPL 5-24 § 2(d), modified.

### **§1216. Use and surrender of diplomatic passports.**

Diplomatic passports shall be immediately surrendered and rendered invalid upon any demand or revocation by the President or his designee. The wilful failure to surrender a diplomatic passport upon demand or revocation by the President or his designee shall be unlawful and subject the person, upon conviction thereof, to a sentence of imprisonment of not more than ten (10) years, a fine of not more than five hundred thousand dollars (\$500,000), or both.

Diplomatic passports may only be utilized for official travel and may not be utilized for personal travel. Use of a diplomatic passport for personal travel shall constitute grounds for immediate revocation of the diplomatic passport.

#### **Source**

RPPL 5-24 § 2(d), modified.

**DIVISION 3  
LABOR**

**Chapter 13**

**Subchapter I  
Preference and Wages**

- § 1301. Statement of policy.
- § 1302. Preference to resident workers.
- § 1303. Compliance with chapter; exception for temporary employees.
- § 1304. Application of chapter to employees of national government.
- § 1305. Benefits for resident workers hired by national government contractors.
- § 1306. Minimum wage.

**§ 1301. Statement of policy.**

The Olbiil Era Kelulau finds and declares that it is essential to a balanced and stable economy in the Republic that workers who are citizens of the Republic be given preference in employment in occupations and industries in the Republic, and that the public interest requires that the employment of noncitizen workers not impair the wages, employment opportunities, and working conditions of citizen workers.

**Source**

49 TTC § 2, modified. Amended by RPPL 11-7 § 11, modified.

**Notes**

Formerly codified at 13 PNCA § 1020 and now re-codified as 13 PNCA § 1301.

Division 3 entitled “Labor” created by RPPL 11-7 § 11 is codified under the new Chapter 13 as a separate Division by the Code Commission pursuant to 1 PNC § 1002. Subchapter II entitled “Foreign Labor” §§ 1020 thru 1078 formerly codified under Chapter 10 is re-codified under the new Chapter 13 of Division 3 and renumbered accordingly. Part I thru Part V will now read Subchapter I thru Subchapter V to conform with the standard format used in the code.

Formerly codified at 30 PNCA § 102 and was re-codified by RPPL 9-14 § 14 as 13 PNCA § 1020. All references to “Chief” in Title 30 of the Palau National Code are hereby amended to say “Director” pursuant to RPPL 9-14 § 9. Any references to “Division of Labor” is hereby amended to reference “Bureau of Labor and Human Resources” pursuant to RPPL 9-14 § 3(b).

## **13 PNCA § 1302      CITIZENSHIP, IMMIGRATION & LABOR**

### **§ 1302. Preference to resident workers.**

Resident workers shall be given preference in employment in the Republic in any industry or occupation for which such workers are qualified and available. Nonresident workers shall be employed only to supplement the labor force of available and qualified resident workers.

#### **Source**

49 TTC § 4, first and second sentences, modified.

#### **Notes**

Formerly codified at 13 PNCA § 1021 and now re-codified as 13 PNCA § 1302.

Formerly codified at 30 PNCA § 121 and was re-codified by RPPL 9-14 § 14 as 13 PNCA § 1021.

### **§ 1303. Compliance with chapter; exception for temporary employees.**

(a) No employer shall employ a nonresident worker except in strict accordance with the provisions of this chapter and rules and regulations issued hereunder, except that the provisions of this chapter shall not apply to temporary employees who are brought into the Republic for a period of time not to exceed ninety (90) days.

(b) If the employer bringing in such temporary employees to the Republic finds that their services are needed for a period of time exceeding ninety (90) days, he may apply for an extension of the exemption and the Ministry of Human Resources, Culture, Tourism, and Development may grant such extension for an additional period of time not to exceed ninety (90) days if he finds that the extension is reasonable.

(c) The Ministry of Human Resources, Culture, Tourism, and Development may grant more than one extension, but the total time period, including any extensions, that such temporary employee may remain in the Republic under temporary employee status shall not exceed one hundred eighty (180) days.

#### **Source**

49 TTC § 4, third, fourth and fifth sentences, modified. Amended by RPPL 11-7 § 11.

#### **Notes**

Formerly codified at 13 PNCA § 1022 and now re-codified as 13 PNCA § 1303.

Formerly codified at 30 PNCA § 122 and was re-codified by RPPL 9-14 § 14 as 13 PNCA § 1022.



**§ 1304. Application of chapter to employees of national government.**

Nothing in this chapter shall be construed to exempt employees of the national government who are seeking employment during hours when they are not engaged in the performance of government employment, or employers other than the national government who are seeking to hire such employees or prospective employees, from complying fully with the provisions of this chapter. This chapter shall be construed to apply to such persons for all purposes, except insofar as rendered inapplicable by a specific provision of this chapter.

**Source**

(P.L. No. 4C-30, § 1.) 49 TTC § 19, modified.

**Notes**

Formerly codified at 13 PNCA § 1023 and now re-codified as 13 PNCA § 1304.

Formerly codified at 30 PNCA § 123 and was re-codified by RPPL 9-14 § 14 as 13 PNCA § 1023.

Amendment to Title 13 § 1023 by RPPL 10-19 § 3 is the same as the existing law.

**§ 1305. Benefits for resident workers hired by national government contractors.**

(a) The national government shall not enter into any contract whose primary purpose is the construction of any building, airport, road, harbor, or any other thing, unless such contract provides that if the contractor utilizes nonresident workers and if such contractor provides either transportation, lodging or lodging expenses, or room or board expenses to any such worker, then such contractor shall provide the same benefits to resident workers.

(b) Transportation, lodging or lodging expenses, or room or board expenses need not be provided when a resident worker maintains his principal place of residence within normal commuting distance, as defined by regulations implementing [13 PNCA chapter 13] of this Code, from his place of employment with such contractor.

**Source**

(P.L. No. 5-6, § 1.) 49 TTC § 20, modified.

**Notes**

Formerly codified at 13 PNCA § 1024 and now re-codified as 13 PNCA § 1305. Chapter referenced in subsection (b) has furthered been changed to reflect the new chapter as per amendments made by RPPL 11-7 § 11.

Formerly codified at 30 PNCA § 124 and was re-codified by RPPL 9-14 § 14 as 13 PNCA § 1024. Title referenced in subsection (b) has been changed pursuant to RPPL 9-14 § 14.

## **13 PNCA § 1306      CITIZENSHIP, IMMIGRATION & LABOR**

### **§ 1306. Minimum wage.**

(a) On October 1, 2013 every employer in the Republic shall pay a minimum wage of two dollars and seventy five cents (\$2.75) per hour. On October 1 of each subsequent year, the minimum wage shall increase by twenty five cents (\$0.25) per hour until it reaches three dollars and fifty cents (\$3.50) per hour. Except as provided in subsection (b) of this section, all employers shall pay the minimum wage to their employees, including employers in the hotel, motel, tourist, restaurant, or other industries whose employees may customarily and regularly receive tips for direct and personal customer service. Service charges, tips and other gratuities given to an employee shall not be used as payment or credit toward payment of the minimum hourly wage. The minimum wage increase shall not apply to contracts in existence prior to October 1, 2013, but any contract made on or after that date must observe the applicable minimum wage in place at that time.

(b) The minimum wage established in subsection (a) of this section shall not apply to the following:

- (1) Up to two individuals employed as farmers by a single employer.
- (2) Up to two individuals employed as domestic helpers, caretakers, babysitters, or house boys.
- (3) Employees who are students.
- (4) Employees twenty years of age or younger, hired on a probationary basis, for a period not to exceed ninety (90) days.
- (5) Employees of non-profit organizations.

(c) An employer required to pay minimum wage pursuant to this section shall not be obligated to pay for the employee's travel, food, housing or other living expenses.

(d) An employer required to pay minimum wage pursuant to this section may take into account the provision of housing and food to the employee in calculating the wages paid to the employee by deducting the reasonable cost of housing and food provided to the employee. The reasonable cost to the employer of housing and food must reflect the actual cost of providing housing and food to the employee, exclusive of profit to the employer. Housing and food will only be deemed to have been paid as wages if the employee received the food and occupied the housing. The cost of housing and food

included towards calculating the employee's wage shall be included as income for purposes of reporting taxable income.

(e) Employers may not keep any part of a service charge, tip, or other gratuity left by customers. Employers must let employees keep any such service charge, tip or other gratuity left for or given to those employees and must distribute any such service charge, tip, or other gratuity to employees if not given directly to the employees by the customer, including any paid by credit or debit card. This section does not preclude employers from establishing rules on the fair distribution of service charges, tips, or other gratuities to employees.

(f) Penalties. An employer who violates the requirements of this section shall be subject to a civil penalty of one thousand dollars (\$1,000) per violation and a penalty of the equivalent of all unpaid taxes and social security contributions plus interest on the wages not paid to the employee, for each violation. Violations of this section include the payment by an employer of less than the minimum wage to any employee performing work other than that described by the employees exempted from the minimum wage requirements under subsection (b).

(g) Civil cause of action.

(1) Any employee entitled to the minimum wage established in subsection (a) of this section who does not receive it shall have a civil cause of action in any court of appropriate jurisdiction, either through the Office of the Attorney General, or through the aggrieved employee's choice of private representation or self-representation.

(2) The aggrieved employee must notify the Bureau of Labor or the Attorney General of the alleged violation. The Bureau of Labor and the Bureau of Customs, Revenue and Taxation must report to the Office of the Attorney General in writing any known or suspected violation of this section within fourteen (14) days of such knowledge or suspicion. The Attorney General may initiate a civil proceeding based on the information received from the aggrieved employee, the Bureau of Labor or the Bureau of Customs, Revenue and Taxation. If the Attorney General does not take action within ninety (90) days of the date of the notice, the aggrieved employee may initiate his or her own court action.

(3) An employee who does not receive the minimum wage shall be entitled to receive damages and such other remedies as may be appropriate, including

## **13 PNCA § 1306      CITIZENSHIP, IMMIGRATION & LABOR**

punitive damages from the employer in an amount not to exceed one thousand five hundred dollars (\$1,500) in the court's discretion. Any employee who prevails in a suit brought pursuant to this section shall be entitled to recover reasonable attorney's fees incurred in prosecuting the action.

### **Source**

RPPL 5-14 § 1. Amended in its entirety by RPPL 9-1 § 1, modify. Amended by RPPL 9-51 § 2, modified.

### **Notes**

Formerly codified at 13 PNCA § 1025 and now re-codified as 13 PNCA § 1306.

Formerly codified at 30 PNCA § 125 and was re-codified by RPPL 9-14 § 15 as 13 PNCA § 1025.

### **Subchapter II Administration of Labor Laws**

- § 1321. Employment service; established.
- § 1322. Same; functions and duties.
- § 1323. Director; functions and duties.
- § 1324. Director to promulgate rules and regulations.
- § 1325. Employer's records.
- § 1326. Fees for Ministry of Human Resources, Culture, Tourism, and Development.

#### **§ 1321. Employment service; established.**

- (a) There is hereby established within the Ministry of Human Resources, Culture, Tourism, and Development an employment service.
- (b) The employment service shall be headed by an employment service officer, who shall report directly to the Director.
- (c) The purpose of the establishment of the employment service is to create a system of free public employment offices in the Republic for workers seeking employment and for employers seeking workers.
- (d) The employment service shall have such powers, duties, and functions as may be established by this chapter, other provisions of this Code, and the manual of administration of the national government.

**Source**

49 TTC § 5, modified.

**Notes**

Formerly codified at 13 PNCA § 1031 and now re-codified as 13 PNCA § 1321.

Formerly codified at 30 PNCA § 141 and was re-codified by RPPL 9-14 § 16 as 13 PNCA § 1031.

**§ 1322. Same; functions and duties.**

For the purpose of this chapter, and without limitations on the scope or extent of powers, duties or responsibilities vested in it by other provisions of this Code, the manual of administration, or order of the President, the employment service through its employment service officer shall:

- (a) in the placement of workers, assist the Director in determining occupational categories, and, for those occupational categories designated by the Director, perform certification functions regarding minimum standards of qualifications and minimum wage requirements.
- (b) conduct continuing surveys of manpower needs, assist in preparing training programs and recommend other measures for alleviating shortages and reducing the need for nonresident workers.
- (c) oversee, monitor and review the use of nonresident workers and all matters related thereto, including, but not limited to, the following: health, safety, meals, lodging, salaries, working hours and conditions, and specific contractual provisions for labor services.
- (d) conduct such investigations as may be necessary to fulfill the provisions of this section and such other duties as may be required by the Director.

**Source**

(P.L. No. 4C-46, § 2.) 49 TTC § 7, modified.

**Notes**

Formerly codified at 13 PNCA § 1032 and now re-codified as 13 PNCA § 1322.

Formerly codified at 30 PNCA § 142 and was re-codified by RPPL 9-14 § 16 as 13 PNCA § 1032.

## **13 PNCA § 1323      CITIZENSHIP, IMMIGRATION & LABOR**

### **§ 1323. Director of the Bureau of Labor; functions and duties.**

For the purposes of this chapter, and without limitations on the scope or extent of powers, duties or responsibilities vested in him by other provisions of this Code, the manual of administration, or order of the President, the Director of the Bureau of Labor within the Ministry of Human Resources, Culture, Tourism, and Development shall:

- (a) enforce the provisions of this chapter and the agreements which the Director enters into with employers concerning the employment of nonresident workers, including to arrest, detain, deport, investigate, interview, search and seize, and all other police functions as appropriate.
- (b) require that employers accept such agreements or conditions for the payment of wages or benefits to nonresident workers as the Director shall determine to be necessary and consistent with the policy and purposes of this chapter. Any such agreements or conditions agreed to by an employer shall be legally enforceable in the courts of the Republic, upon action taken by an aggrieved employee or on his behalf by the Director. In any such action taken by the Director on behalf of an aggrieved employee, the Director shall be represented by the Office of the Attorney General.
- (c) establish occupational categories for the occupations to which this chapter is applicable, and, when the Director deems it necessary or desirable, establish minimum standards of qualification procedures, and minimum wage requirements for workers in certain occupational categories.
- (d) supervise the employment service in furtherance of the objectives of this chapter and in the effectuation of the provisions of this chapter.

#### **Source**

(P.L. No. 4C-46, § 1.) 49 TTC § 6, modified. Amended by RPPL 9-14 § 5, modified. Amended by RPPL 11-7 § 11.

#### **Notes**

Formerly codified at 13 PNCA § 1033 and now re-codified as 13 PNCA § 1323.

Formerly codified at 30 PNCA § 143 and was re-codified by RPPL 9-14 § 16 as 13 PNCA § 1033.

Ren Int'l Co. v. Garcia, 11 ROP 145, 150, 151, 152 (2004).

**§ 1324. Director to promulgate rules and regulations.**

The Director, subject to approval by the President, shall promulgate rules and regulations necessary or appropriate to effectuate the provisions of this chapter. Such rules and regulations shall become effective immediately, or on the date which the Director shall determine, and shall have the force and effect of law.

**Source**

49 TTC § 13, modified.

**Notes**

Formerly codified at 13 PNCA § 1034 and now re-codified as 13 PNCA § 1324.

Formerly codified at 30 PNCA § 144 and was re-codified by RPPL 9-14 § 16 as 13 PNCA § 1034.

Ren Int'l Co. v. Garcia, 11 ROP 145, 150 (2004).

**§ 1325. Employer's records.**

Each employer hiring employees in the Republic shall keep and present immediately upon demand of the Director and quarterly to the Director up-to-date records with the following information:

- (a) the name, address, age and legal residence of each of his employees;
- (b) the classification and wage rate of each of his employees;
- (c) payrolls showing the number of hours worked each week, the compensation earned, and deductions made for each of his employees;
- (d) the educational and experiential backgrounds of each of his nonresident employees (to be provided but once by an employer for each nonresident employee working in the Republic);
- (e) the number of employment related accidents, name of the injured, and disposition by the employer of the injured employee;
- (f) the number and types of illnesses of nonresident workers, the treatment and disposition of those workers, and whether hospitalization was required;

## 13 PNCA § 1325 CITIZENSHIP, IMMIGRATION & LABOR

(g) the citizenship, country of origin, and expiration date of entry permit of each nonresident worker employed; and

(h) a copy of the nonresident workers' agreement authorizing the hiring of the nonresident workers.

### Source

(P.L. No. 4C-46, § 3.) 49 TTC § 9, modified.

### Notes

Formerly codified at 13 PNCA § 1035 and now re-codified as 13 PNCA § 1325.

Formerly codified at 30 PNCA § 145 and was re-codified by RPPL 9-14 § 16 as 13 PNCA § 1035.

## § 1326. Fees for Ministry of Human Resources, Culture, Tourism, and Development.

(a) Notwithstanding any other provision of law, the Ministry of Human Resources, Culture, Tourism, and Development shall charge and collect the fees set forth in the following schedule:

(1)	New work permit .....	\$300.00
(2)	Application fee .....	\$15.00
(3)	Permit for domestic helpers .....	\$250.00
(4)	Fee for change of status from dependent to employment .....	\$300.00
(5)	Application for temporary permit, i.e., for employment up to ninety (90) days .....	\$300.00
(6)	Work permit extension .....	\$300.00
(7)	Re-issue of lost work permit .....	\$100.00
(8)	Change of job classification .....	\$300.00
(9)	Photocopying .....	\$0.50 per page



## **HIRING OF NONRESIDENT WORKERS      13 PNCA § 1331**

(b) This section shall remain effective only until regulations governing its subject matter are adopted by the Bureau of Labor and Human Resources and the time for the Olbiil Era Kelulau to disapprove such regulations pursuant to 6 PNC § 133 has expired.

### **Source**

RPPL 5-7 § 56. RPPL 5-8 § 1(56) added subsection (b). Amended by RPPL 6-32 § 2[146]. Amended by RPPL 11-7 § 11.

### **Notes**

Formerly codified at 13 PNCA § 1036 and now re-codified as 13 PNCA § 1326.

Formerly codified at 30 PNCA § 146 and was re-codified by RPPL 9-14 § 16 as 13 PNCA § 1036.

Pursuant to 13 PNC § 1036(b), fee amounts are now established by regulation as set forth in the “Government of the Republic of Palau Bureau of Labor and Human Resources Rules and Regulations May 2005”.

### **Subchapter III Hiring of Nonresident Workers**

- § 1331. Application required.
- § 1332. Referral of resident workers.
- § 1333. Publication of vacancy; notification of Director.
- § 1334. Determination to permit employment of nonresident workers.
- § 1335. Nonresident employment agreements.
- § 1336. Expiration of nonresident employment agreements for failure of performance.
- § 1337. Nonresident worker’s identification certificate.
- § 1338. Nonresident work permit requirements.
- § 1339. Outside employment by nonresident worker prohibited; deportation.
- § 1340. [Repealed]
- § 1341. Mandatory deportation upon conviction of felony.
- § 1342. Fees for employment of nonresident workers.
- § 1343. Dependents of nonresident workers.
- § 1344. Recovery of costs from nonresident worker.

#### **§ 1331. Application required.**

Any employer who desires to import nonresident workers for employment in the Republic shall file an application with the employment service stating the place and nature of the employer’s business, the number of workers desired and occupational qualifications of such workers, the wages to be paid such workers, the date on which such workers are desired, the locations in the

## **13 PNCA § 1331      CITIZENSHIP, IMMIGRATION & LABOR**

Republic where such workers are desired, and any other information the employment service may require or which the employer may deem appropriate.

### **Source**

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(1), modified.

### **Notes**

Formerly codified at 13 PNCA § 1041 and now re-codified as 13 PNCA § 1331.

Formerly codified at 30 PNCA § 161 and now re-codified as 13 PNCA § 1041 by RPPL 9-14 § 17.

### **§ 1332. Referral of resident workers.**

Upon receipt of an application pursuant to the provisions of section 1331 of this title, the employment service shall first endeavor to fill the job vacancies reported by the employer by referral of qualified resident workers registered with such service and available for employment.

### **Source**

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(2), first sentence, modified.

### **Notes**

Formerly codified at 13 PNCA § 1042 and now re-codified as 13 PNCA § 1332. Section referenced renumbered accordingly.

Formerly codified at 30 PNCA § 162 and now re-codified as 13 PNCA § 1042 by RPPL 9-14 § 17. Section referenced in this section has been renumbered pursuant to RPPL 9-14 § 17.

### **§ 1333. Publication of vacancy; notification of Director.**

(a) In the event of inability to supply sufficient qualified resident workers pursuant to section 1332 of this title, the employment service shall cause the existence of the vacancies and other applicable information regarding the jobs to be publicized. The publication shall include posting of notice in public places in the Republic, the use of radio and newspaper media when appropriate, and such other means as the employment service may determine to be feasible. No nonresident worker shall be permitted to be employed unless such publicity shall have been given for a period of thirty (30) days.

(b) Upon the expiration of thirty (30) days after the first advertisement by the employment service, the employment service officer, upon a finding that there are no occupationally qualified resident workers available to fill all or some of the vacancies applied for, shall notify the Director of those positions for which nonresident workers are

## **HIRING OF NONRESIDENT WORKERS      13 PNCA § 1334**

available.

### **Source**

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(2), except first sentence, and § 8(3), modified.

### **Notes**

Formerly codified at 13 PNCA § 1043 and now re-codified as 13 PNCA § 1333. Section referenced renumbered accordingly.

Formerly codified at 30 PNCA § 163 and now re-codified as 13 PNCA § 1043 by RPPL 9-14 § 17. Section referenced in this section has been renumbered pursuant to RPPL 9-14 § 17.

### **§ 1334. Determination to permit employment of nonresident workers.**

(a) Upon receipt of notice from the employment service officer of those positions which the employer requires, and for which no resident workers are available, the Director shall determine whether the employment of such nonresident workers will be in the best interest of the Republic, shall determine under what conditions the employer should be authorized to hire nonresident workers for those positions, and for each authorized nonresident worker shall issue an employment permit and identification certificate valid for a maximum period of two years, subject to renewal for further periods of two years employment of the worker with the same employer. A nonresident worker shall be ineligible for employment by any other employer in the Republic for five years following the date of termination of any previous employment in the Republic, unless the nonresident worker meets the requirements below. For purposes of this section, this provision shall not apply to spouses of Palauan citizens employed as nonresident workers.

A nonresident worker maybe eligible for employment by another employer for the duration of the term in his or her contract, and any eventual renewal after the duration of the term if applicable, but only if the nonresident worker is otherwise eligible to be hired by another employer, the nonresident worker provides proof of clearance from the Social Security Office and the Ministry of Finance that the applicant is current in payment of taxes and benefits, and any subsequent contract with another employer is registered with the Bureau of Labor and Human Resources prior to the beginning of employment, and:

- (1) his or her current employer has died and the employer's legal successor agrees to retain the employment of the nonresident worker; or
- (2) his or her current employer sells the company or business that the nonresident worker is employed at or otherwise transfers the management of the company or

### 13 PNCA § 1334      CITIZENSHIP, IMMIGRATION & LABOR

business that the nonresident worker is employed at to another employer, and the seller or transferor and the buyer or transferee agree that the buyer or transferee shall retain the nonresident worker as an employee, or when a sole proprietor incorporates the business that the nonresident worker is employed at; or

(3) his or her employer is found guilty by a court of law for any crime where the nonresident worker, or a dependent of the nonresident worker, is a victim; or

(4) the business dissolves; or

(5) his or her current employer has been a registered business with the Bureau of Revenue and Taxation for not less than five (5) years and the employer permanently leaves the Republic during the duration of the term of the employment contract and such worker has been determined by the Director to be abandoned; or if a current employer is not a business, but is a resident of the Republic for not less than five (5) years, and such employer leaves the Republic during the duration of the term of the employment contract and such worker has been determined by the Director of Labor to be abandoned; or

(b) A nonresident worker holding an employment permit and identification certificate is not prohibited from performing tasks outside his or her stated profession or occupation, so long as such tasks are reasonably related to the main job for which he or she is employed.

(c) Within seven days after the receipt of notice from the employment service officer, the Director shall notify the employer of his findings.

#### Source

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(4), first and second sentences, modified. Amended by RPPL 6-32 § 3[164]. Subsection (a) amended by RPPL 7-13 § 26. Subsection (a) amended by RPPL 7-16 § 2. Subsection (a) is amended by RPPL 9-14 § 6, modified.

#### Notes

Formerly codified at 13 PNCA § 1044 and now re-codified as 13 PNCA § 1334.

Formerly codified at 30 PNCA § 164 and now re-codified as 13 PNCA § 1044 by RPPL 9-14 § 17.

RPPL 7-16 § 1 reads: Legislative findings. The Olbiil Era Kelulau finds that 30 PNC §164(a), which prohibits for five (5) years the transfer of nonresident workers from one employer to another in the Republic, is very broad. This limitation has created, in certain circumstances, unintended consequences of making the recruitment of nonresident workers by local employers costly, both in terms of time and money. For example, this provision does not serve the best interest of our business community in circumstances where the former employer of a nonresident worker has

## HIRING OF NONRESIDENT WORKERS 13 PNCA § 1335

died or if the employer sells the business or if a new employer takes over the business the nonresident worker is working at. Often the employment of the nonresident worker is needed by another employer. The Olbiil Era Kelulau finds that the interest of the employer is protected by this section. Nonresident workers, who are otherwise eligible to be employed by another employer, may transfer employment for the duration of the term of his or her contract in cases where the employer of the nonresident worker has died, or when the business the nonresident worker is working at is sold or transferred, or if a new employer takes over the business or place where the nonresident worker is working at, or when the employer is found guilty of a crime. After the transfer, the nonresident worker will be eligible to be renewed by the new employer according to the current labor laws.

Xiao v. ROP, 2020 Palau 4 ¶¶ 11 n.3, 15.

### § 1335. Nonresident employment agreements.

- (a) For those positions for which the Director has determined that nonresident workers may be hired, he shall require that a nonresident employment agreement be entered into between the employer and the national government, which agreement shall authorize the employer to hire nonresident workers.
- (b) The agreement shall be signed by the Director, as representative of the national government, and by the employer or his authorized representative.
- (c) The agreement shall contain the following provisions, in addition to any other provisions the Director deems necessary in the circumstances:
  - (1) a statement that the employer requires such nonresident workers for immediate employment;
  - (2) a statement of the wages the employer is paying or intends to pay the nonresident workers for each occupational classification he is importing to fill;
  - (3) 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 Republic;
  - (4) a statement of the period of time for which the employer will be allowed to fill each position with a nonresident worker before he must attempt to fill the position with a resident worker by filing a new application with the employment service;
  - (5) a statement of the employer's responsibility for return transportation to the

## **13 PNCA § 1335      CITIZENSHIP, IMMIGRATION & LABOR**

place of origination of each nonresident worker so employed, except that the employer and employee may agree in the employment contract that a certain portion of the nonresident worker's wages be withheld to cover transportation costs back to the point of origin; provided, that the amount withheld shall not exceed one hundred percent (100%) of the actual cost of the return leg of the trip and the amount withheld shall be refunded to the nonresident worker at the completion of the employment contract or when the employee is terminated without cause; this contract provision shall apply to all contracts for nonresident workers, regardless of whether the nonresident worker is brought into the country by the employer, transferred to the employer, or is otherwise lawfully in the Republic when hired by the employer;

(6) a statement that the term of the nonresident worker's employment contract shall be no longer than two (2) years from the date that the nonresident enters the Republic and may be renewed upon consent of both parties, but under no circumstances may the nonresident worker accept employment from any other employer during the term of the agreement; and

(7) a statement that the nonresident worker shall be ineligible for employment by any other employer within the Republic for a period of five (5) years following the termination or expiration for the nonresident worker's agreement.

(d) The term of employment set forth in a nonresident workers' agreement, and the term of any work permit issued pursuant to such agreement, shall commence upon the date the nonresident worker enters the Republic.

(e) Upon execution of the agreement required under this section, the Director shall notify the Bureau of Immigration.

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

### **Source**

(P.L. No. 4C-29, §§ 1 and 2; P.L. No. 5-84.) 49 TTC § 8(4), except first and second sentences, (5) and (6) (first sentence), modified. Subsection (d) added by RPPL 5-7 § 50, modified; former subsections (d) and (e) re-lettered. Subsection (e) amended by RPPL 6-26 § 19(1)[165(e)]. Subsection (c) amended by RPPL 6-32 § 4[165] by the addition of subsections (6) and (7), modified. Subsection (c) is amended by RPPL 9-14 § 7, modified.

### **Notes**

Formerly codified at 13 PNCA § 1045 and now re-codified as 13 PNCA § 1335.

## **HIRING OF NONRESIDENT WORKERS      13 PNCA § 1337**

Formerly codified at 30 PNCA § 165 and now re-codified as 13 PNCA § 1045 by RPPL 9-14 § 17.

Ren Int'l Co. v. Garcia, 11 ROP 145, 151 (2004).

### **§ 1336. Expiration of nonresident employment agreements for failure of performance.**

Any nonresident employment agreement entered into by the Director with any employer pursuant to the requirements of section 1335 of this title shall expire sixty (60) days from the date thereof, except as to the employment of any nonresident worker who is employed and present in the Republic within sixty (60) days from such date.

#### **Source**

(P.L. No. 5-76, § 1) 49 TTC § 22, modified.

#### **Notes**

Formerly codified at 13 PNCA § 1046 and now re-codified as 13 PNCA § 1336. Section number referenced renumbered accordingly.

Formerly codified at 30 PNCA § 166 and now re-codified as 13 PNCA § 1046 by RPPL 9-14 § 17. Section referenced in this section has been renumbered pursuant to RPPL 9-14 § 17.

### **§ 1337. Nonresident worker's identification certificate.**

- (a) The Director shall provide each nonresident worker covered by this chapter with a nonresident worker's identification certificate.
- (b) The identification certificate shall contain:
  - (1) the nonresident worker's name,
  - (2) his employer's name,
  - (3) his job classification,
  - (4) his legal residence,
  - (5) his country of origin and citizenship,
  - (6) the date of expiration of his entry permit, and
  - (7) the number of the nonresident workers' agreement which authorized his

## **13 PNCA § 1337      CITIZENSHIP, IMMIGRATION & LABOR**

employer to hire him.

(c) The nonresident worker shall be required to keep such certificate on his person at all times.

### **Source**

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(6), modified.

### **Notes**

Formerly codified at 13 PNCA § 1047 and now re-codified as 13 PNCA § 1337.

Formerly codified at 30 PNCA § 167 and now re-codified as 13 PNCA § 1047 by RPPL 9-14 § 17.

Xiao v. ROP, 2020 Palau 4 ¶¶ 23, 24.

### **§ 1338. Nonresident work permit requirements.**

Prior to entry of a new nonresident worker into the Republic for employment under the provisions of this chapter, the following requirements shall be met:

(a) Each nonresident worker shall present to the Director or his representative a sworn affidavit, on a form issued by the national government, executed by him, and such other evidence as the Director may require, which indicates:

- (1) a minimum of two years' experience in the line of work for which he is being hired,
- (2) marital status, and if married, the name of the spouse, number and ages of dependent children and the addresses of the spouse and dependent children, and
- (3) that he has not been convicted of a felony or other crime involving moral turpitude.

(b) Nonresidents already present in the Republic may apply to the Director for a new or renewal Visa in the same manner and under the same terms and conditions as for an applicant from outside of the Republic, in accordance with this subsection. Persons present in the Republic pursuant to a tourist, visitor, resident, spouse, dependent, government, or missionary visa, or legally in Palau without a visa, who desire to remain in the Republic for employment, may change their status to a worker visa while remaining in the Republic but only for employment at a position that requires skilled



## HIRING OF NONRESIDENT WORKERS 13 PNCA § 1339

labor and such unskilled labor as defined by regulation depending on the labor needs of the Republic. A nonresident seeking to change status in accordance with this section will be required to pay a change of status fee, which will be set by regulation, in addition to meeting all other requirements.

### Source

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(7), modified. Amended by RPPL 9-14 § 8, modified.

### Notes

Formerly codified at 13 PNCA § 1048 and now re-codified as 13 PNCA § 1338.

Formerly codified at 30 PNCA § 168 and now re-codified as 13 PNCA § 1048 by RPPL 9-14 § 17.

Xiao v. ROP, 2020 Palau 4 ¶¶ 20 n.6, 21, 23, 24.

### § 1339. Outside employment by nonresident worker prohibited; deportation.



(a) It shall be unlawful for any nonresident worker admitted into the Republic under the provisions of this chapter to engage in any other employment for compensation or for profit other than for the employer who has contracted with the Director for the employment of such nonresident worker in the Republic.

(b) Any employment of a nonresident worker in a manner prohibited by this section shall constitute sufficient ground and cause for deportation. The Director shall communicate to the Attorney General any violation of this section and the Attorney General shall institute deportation proceedings against the nonresident worker if in the opinion of the President such would be in the best interest of the public.

(c) Violation of the provisions of this section by an employer or nonresident worker shall also be subject to the penalties prescribed by section 1357 of this title.

### Source

(P.L. No. 4C-77, § 1.) 49 TTC § 17, modified.

### Notes

Formerly codified at 13 PNCA § 1049 and now re-codified as 13 PNCA § 1339. Section number referenced is renumbered accordingly.

Formerly codified at 30 PNCA § 169 and now re-codified as 13 PNCA § 1049 by RPPL 9-14 § 17. Section number referenced in subsection (c) has been renumbered pursuant to RPPL 9-14 § 17.

Xiao v. ROP, 2020 Palau 4 ¶¶ 23, 24.

## **13 PNCA § 1340      CITIZENSHIP, IMMIGRATION & LABOR**

### **§ 1340. [Repealed]**

#### **Source**

(P.L. No. 4C-29, §§1 and 2; P.L. No. 5-84.) 49 TTC § 8(8), modified. Repealed by RPPL 6-32 § 6.

#### **Notes**

Formerly codified at 13 PNCA § 1050 and now re-codified as 13 PNCA § 1340. Formerly codified at 30 PNCA § 170 and now re-codified as 13 PNCA § 1050 by RPPL 9-14 § 17.

### **§ 1341. Mandatory deportation upon conviction of felony.**

Any nonresident worker convicted of a felony, upon said conviction being affirmed on appeal, or following their failure to file a notice of appeal within the time prescribed thereof, shall, following completion of any term of imprisonment imposed by the court, be deported. The cost of such deportation may be ordered to be paid by the nonresident worker or by his employer, at the discretion of the court.

#### **Source**

RPPL 2-32 § 1, modified.

#### **Notes**

Formerly codified at 13 PNCA § 1051 and now re-codified as 13 PNCA § 1341.

Formerly codified at 30 PNCA § 171 and now re-codified as 13 PNCA § 1051 by RPPL 9-14 § 17.

Xiao v. ROP, 2020 Palau 4 ¶¶ 32, 33.

### **§ 1342. Fees for employment of nonresident workers.**

(a) For each new nonresident worker an employer hires after the effective date of this section, the employer shall pay to the National Treasury an initial fee of one hundred fifty dollars (\$150). Thereafter, the employer shall pay an annual fee of one hundred dollars (\$100) for each nonresident worker it employs. Half of the proceeds of the nonresident worker fees collected pursuant to this section shall be deposited into the Scholarship Fund established by 22 PNC § 229(a).

(b) For each dependent of a nonresident worker who enters the Republic, the nonresident worker shall pay to the National Treasury an annual fee of one hundred fifty dollars (\$150).

(c) An employer may recover from a nonresident worker a maximum of fifty percent

## **HIRING OF NONRESIDENT WORKERS      13 PNCA § 1343**

(50%) of the fees paid for that worker under subsection (a) of this section, provided the employer provided written notice of his intent to recover such fees to the nonresident worker before the nonresident worker departed from his home country. The recovery of such fees shall be through deductions from the salary of the nonresident worker, provided that the deductions may not exceed ten percent (10%) of the nonresident worker's gross monthly income.

(d) This section shall remain effective only until a regulation governing its subject matter is adopted by the Bureau of Labor and Human Resources and the time for the OEK to exercise its legislative veto power pursuant to 6 PNC § 133 has expired.

### **Source**

RPPL 5-7 § 38 on 10/3/97 effective 11/1/97. Subsection (d) added by RPPL 5-8 § 1(38) on 11/5/97 effective 11/1/97. Subsection (b) amended by RPPL 5-34 § 34(a). Subsection (a) is amended by RPPL 9-37 § 5, modified.

### **Notes**

Formerly codified at 13 PNCA § 1052 and now re-codified as 13 PNCA § 1342.

Formerly codified at 30 PNCA § 172 and now re-codified as 13 PNCA § 1052 by RPPL 9-14 § 17.

Pursuant to 30 PNC § 172(d), fee amounts are now established by regulation as set forth in the "Government of the Republic of Palau Bureau of Labor and Human Resources Rules and Regulations May 2005".

### **§ 1343. Dependents of nonresident workers.**

(a) Notwithstanding any other provision of law or regulation, no dependent of a nonresident worker may obtain a dependent entry permit to enter into the Republic unless:

- (1) the foreign worker's annual income is fifteen thousand dollars (\$15,000) or more, and
- (2) the foreign worker's employer consents to the issuance of the dependent entry permit.

For purposes of this section, dependents shall be limited to spouses and children. The fifteen thousand dollars (\$15,000) income requirement may be satisfied by combining the income of a husband and wife who desire to bring in a minor child or children. This section shall not apply to dependents who hold a valid dependent entry permit as of the effective date of this section, as amended; provided, that the provisions of this section shall apply to renewals of dependent entry permits.

## **13 PNCA § 1343      CITIZENSHIP, IMMIGRATION & LABOR**

(b) This section shall remain effective only until a regulation governing its subject matter is adopted by the Bureau of Labor and Human Resources and the time for the Olbiil Era Kelulau to exercise its legislative veto power pursuant to 6 PNCA § 133 has expired.

### **Source**

RPPL 5-7 § 51, modified. Subsection (b) added by RPPL 5-8 § 1(51), effective 11/5/97. Subsection (a) amended by RPPL 5-34 § 34(b) and further amended by RPPL 6-32 § 5[173(a)].

### **Notes**

Formerly codified at 13 PNCA § 1053 and now re-codified as 13 PNCA § 1343.

Formerly codified at 30 PNCA § 173 and now re-codified as 13 PNCA § 1053 by RPPL 9-14 § 17.

## **§ 1344. Recovery of costs from nonresident workers.**

Notwithstanding any other provision of law, an employer may recover from a nonresident worker the cost of obtaining any health examination of and police clearance for the worker required as a condition of renewing the worker's work permit.

### **Source**

RPPL 5-7 § 55.

### **Notes**

Formerly codified at 13 PNCA § 1054 and now re-codified as 13 PNCA § 1344.

Formerly codified at 30 PNCA § 174 and now re-codified as 13 PNCA § 1054 by RPPL 9-14 § 17.

**Subchapter IV  
Enforcement of Chapter**

- § 1351. Authorization to conduct hearings and investigations.
- § 1352. Procedure for hearings and investigations.
- § 1353. Petition to court for enforcement of Director's order.
- § 1354. Appeals to Director.
- § 1355. Appeals to court.
- § 1356. Injunctions.
- § 1357. Penalties for violation of chapter.
- § 1358. Penalties for violation of section 1305.

**§ 1351. Authorization to conduct hearings and investigations.**

The Director or his representative is hereby authorized to conduct hearings or investigations as he may deem appropriate and necessary to enforce the provisions of this chapter. In connection with such hearings or investigations, the Director may subpoena witnesses, records, and documents.

**Source**

(P.L. No. 4C-46, §4.) 49 TTC § 10(1), modified.

**Notes**

Formerly codified at 13 PNCA § 1061 and now re-codified as 13 PNCA § 1351.

Formerly codified at 30 PNCA § 181 and now re-codified as 13 PNCA § 1061 by RPPL 9-14 § 18.

**§ 1352. Procedure for hearings and investigations.**

- (a) The Director or his representative shall, upon a sworn affidavit by a person that a violation of this chapter or any rule or regulation issued thereunder has occurred, investigate all complaints, and he shall have the power to schedule a public or closed hearing as he may deem appropriate under the circumstances.
- (b) Adequate notice shall be given to all parties involved in the controversy or investigation should a hearing be scheduled, and opportunity shall be made available to them to present such evidence as they may desire.
- (c) The Director upon conclusion of his investigation or hearing shall have the power to issue an order disposing of the matter. Such order shall be in force and effect until

## **13 PNCA § 1352      CITIZENSHIP, IMMIGRATION & LABOR**

modified, sustained, or repealed by the Director who shall review within thirty (30) days all investigations and hearings conducted.

### **Source**

(P.L. No. 4C-46, §4.) 49 TTC § 10(2), modified.

### **Notes**

Formerly codified at 13 PNCA § 1062 and now re-codified as 13 PNCA § 1352.

Formerly codified at 30 PNCA § 182 and now re-codified as 13 PNCA § 1062 by RPPL 9-14 § 18.

### **§ 1353. Petition to court for enforcement of Director's order.**

- (a) The Director may petition the Trial Division of the Supreme Court for the enforcement of an order issued under the provisions of this chapter, and the appropriate temporary relief or restraining order.
- (b) The Director shall file in the court a transcript of the records in the proceedings, including, where appropriate, the pleading and testimony upon which the order was entered and the findings and order of the Director.
- (c) Upon such filing, the court shall cause notice to be served upon the person against whom the order is directed. Thereupon the court shall have jurisdiction of the proceeding and may grant such temporary relief or restraining order as it shall deem just and proper, or issue a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the Director.
- (d) In all such actions the Director shall be represented by the Office of the Attorney General.

### **Source**

(P.L. No. 4C-46, § 4.) 49 TTC § 10(3), modified.

### **Notes**

Formerly codified at 13 PNCA § 1063 and now re-codified as 13 PNCA § 1353.

Formerly codified at 30 PNCA § 183 and now re-codified as 13 PNCA § 1063 by RPPL 9-14 § 18.

### **§ 1354. Appeals to Director.**

- (a) Anyone aggrieved by a decision of the employment service in the implementation of

this chapter, or by a decision of the Director in the implementation or enforcement of this chapter, may appeal such decision to the Director within ten (10) days after he received notice of such decision. In connection with such appeal, he shall be entitled to a public hearing, and may be represented in person or by counsel of his choice.

(b) Within ten (10) days after such hearing, the Director shall give notice to the appellant of his findings, and issue an order disposing of the matter.

**Source**

49 TTC § 11, modified.

**Notes**

Formerly codified at 13 PNCA § 1064 and now re-codified as 13 PNCA § 1354.

Formerly codified at 30 PNCA § 184 and now re-codified as 13 PNCA § 1064 by RPPL 9-14 § 18.

**§ 1355. Appeals to court.**

(a) Anyone aggrieved by an order of the Director issued under the provisions of sections 1352 or 1354 of this title may appeal the order to the Trial Division of the Supreme Court within ten (10) days following the date of the order.

(b) The commencement of any proceedings in any court shall not operate as a stay of compliance with any provisions of this chapter, or any rules, regulations, or orders issued hereunder.

(c) All findings, decisions, or orders by the Director on questions of fact shall be deemed final if supported by substantial evidence.

**Source**

49 TTC § 12, modified.

**Notes**

Formerly codified at 13 PNCA § 1065 and now re-codified as 13 PNCA § 1355. Section numbers referenced are renumbered accordingly.

Formerly codified at 30 PNCA § 185 and now re-codified as 13 PNCA § 1065 by RPPL 9-14 § 18. Section numbers referenced in this section has been renumbered pursuant to RPPL 9-14 § 18.

Nebre v. Uludong, 15 ROP 15, 23 (2008).

## **13 PNCA § 1356      CITIZENSHIP, IMMIGRATION & LABOR**

### **§ 1356. Injunctions.**

In addition to any of the other penalties prescribed by this chapter, the Attorney General may bring an action in the Trial Division of the Supreme Court to enjoin violations of the provisions of this chapter or any of the rules and regulations issued pursuant thereto.

#### **Source**

49 TTC § 15, modified.

#### **Notes**

Formerly codified at 13 PNCA § 1066 and now re-codified as 13 PNCA § 1356.

Formerly codified at 30 PNCA § 186 and now re-codified as 13 PNCA § 1066 by RPPL 9-14 § 18.

Pamintuan v. ROP, 16 ROP 32, 34 (2008).

### **§ 1357. Penalties for violation of chapter.**

(a) Any employer who wilfully violates any of the provisions of this chapter or any of the rules and regulations issued pursuant thereto shall, upon conviction thereof, be fined not more than two thousand dollars (\$2,000), or imprisoned for not more than six (6) months, or both.

(b) Any nonresident worker who fails to comply with the provisions of section 1337 of this title shall, upon conviction thereof, be fined not more than fifty dollars (\$50), or imprisoned for not more than five (5) days, or both.

#### **Source**

49 TTC § 14, modified.

#### **Notes**

Formerly codified at 13 PNCA § 1067 and now re-codified as 13 PNCA § 1357. Section number referenced is renumbered accordingly.

Formerly codified at 30 PNCA § 187 and now re-codified as 13 PNCA § 1067 by RPPL 9-14 § 18. Section referenced in this section has been renumbered pursuant to RPPL 9-14 § 18.

Xiao v. ROP, 2020 Palau 4 ¶¶ 23, 29.  
Pamintuan v. ROP, 16 ROP 32, 34 (2008).



**§ 1358. Penalties for violation of section 1305.**

Any contractor who violates any provision of a government contract containing the requirements imposed by section 1305 of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to a fine of one thousand dollars (\$1,000), and shall also be ordered to pay reasonable expenses for transportation, lodging, and board to any employee entitled thereto to whom it was not so furnished.

**Source**

(P.L. No. 5-6, § 2.) 49 TTC § 21.

**Notes**

Formerly codified at 13 PNCA § 1068 and now re-codified as 13 PNCA § 1358. Section number referenced is renumbered accordingly.

Formerly codified at 30 PNCA § 188 and now re-codified as 13 PNCA § 1068 by RPPL 9-14 § 18. Section number referenced in this section has been renumbered pursuant to RPPL 9-14 § 18.

## **13 PNCA § 1361      CITIZENSHIP, IMMIGRATION & LABOR**

### **Subchapter V Nonresident Workers' Health Certificates**

- § 1361. Statement of policy.
- § 1362. Certificate required.
- § 1363. Physical examination required.
- § 1364. Rejection of permit holder; notification to President.
- § 1365. Revocation of entry permit.
- § 1366. Penalties for violation of chapter.
- § 1367. Regulations.
- § 1368. Exemptions for State governments.

#### **§ 1361. Statement of policy.**

(a) It is the policy of the national government to insure the health of its citizens, and to prevent the overtaxation of its medical and hospital facilities and personnel in the care and treatment of persons who are not citizens of the Republic and who arrive in the Republic in a condition of ill health.

(b) To this end, it shall be the practice of the national government, in accordance with the terms of this chapter:

(1) to require each nonresident worker and each member of his family entering the Republic to have in his possession a certificate of freedom from contagious disease;

(2) to conduct a physical examination of every entrant into the Republic who holds an entry permit for employment in the Republic; and

(3) to revoke such entry permit upon a showing that the continued presence of such person in the Republic would violate the statement of intent in this section.

#### **Source**

(P.L. No. 5-45, § 1.) 49 TTC § 51, modified.

#### **Notes**

Formerly codified at 13 PNCA § 1071 and now re-codified as 13 PNCA § 1361.

Formerly codified at 30 PNCA § 201 and now re-codified as 13 PNCA § 1071 by RPPL 9-14 § 19.

## **NONRESIDENT WORKERS' HEALTH CERTIFICATES 13 PNCA § 1363**

### **§ 1362. Certificate required.**

(a) In addition to any other requirements contained in [this title] of this Code, every person admitted to the Republic for employment under the provisions of chapter 1 of this title, and every person admitted to the Republic as a member of the family of such person, shall have in his possession, and thereafter shall keep in his possession, a certificate of freedom from communicable diseases.

(b) Such certification shall be executed and validated not more than thirty (30) days preceding the date of entry of such person into the Republic by a physician licensed to practice medicine in the country of origin of that person

#### **Source**

(P.L. No. 5-45, § 2.) 49 TTC § 52, modified.

#### **Notes**

Formerly codified at 13 PNCA § 1072 and now re-codified as 13 PNCA § 1362.

Formerly codified at 30 PNCA § 202 and now re-codified as 13 PNCA § 1072 by RPPL 9-14 § 19. The bracketed [this title] replaced the wording "Title 13" in the original legislation as per Code Commission.

### **§ 1363. Physical examination required.**

Within ten (10) days after his entry into the Republic, each holder of an entry permit which authorizes such person to enter the Republic for the purpose of employment, and each member of the family of such person, shall be subject to a physical examination to be conducted by or under the auspices of the Bureau of Public Health. The cost of such physical examination shall be borne by the entry permit holder.

#### **Source**

(P.L. No. 5-45, § 3.) 49 TTC § 53(1), modified.

#### **Notes**

Formerly codified at 13 PNCA § 1073 and now re-codified as 13 PNCA § 1363.

Formerly codified at 30 PNCA § 203 and now re-codified as 13 PNCA § 1073 by RPPL 9-14 § 19.

All references to the Bureau of Health Services are hereby amended to reference the Bureau of Public Health by RPPL 8-13 § 3.

## **13 PNCA § 1364      CITIZENSHIP, IMMIGRATION & LABOR**

### **§ 1364. Rejection of permit holder; notification to President.**

- (a) The Director of the Bureau of Public Health shall, within a reasonable time after the completion of the physical examination required in section 1363 of this title, notify the President as to any medical reasons why the entry permit holder or a member of the family of the entry permit holder should not be allowed to remain in the Republic, and shall state the basis of his judgment.
- (b) No such notification shall be made if the continued presence of the entry permit holder or family member in the Republic would not, in all medical probability, result in substantial danger to the health of the inhabitants of the Republic or in a need for prolonged medical care and treatment while in the Republic.
- (c) Such notification shall be made upon any positive finding of any contagious disease, including any social disease.

#### **Source**

(P.L. No. 5-45, § 4.) 49 TTC § 54, modified.

#### **Notes**

Formerly codified at 13 PNCA § 1074 and now re-codified as 13 PNCA § 1364. Section number referenced is renumbered accordingly.

Formerly codified at 30 PNCA § 204 and now re-codified as 13 PNCA § 1074 by RPPL 9-14 § 19. Section number referenced in this section has been renumbered pursuant to RPPL 9-14 § 19.

All references to the Bureau of Health Services are hereby amended to reference the Bureau of Public Health by RPPL 8-13 § 3.

### **§ 1365. Revocation of entry permit.**

Upon notification from the Director of the Bureau of Public Health to the President as provided in section 1364 of this title, the President shall revoke the entry permit of the holder or the family member in question on the grounds that his continued presence in the Republic would not be in the best interests of the Republic.

#### **Source**

(P.L. No. 5-45, § 5.) 49 TTC § 55, modified.

#### **Notes**

Formerly codified at 13 PNCA § 1075 and now re-codified as 13 PNCA § 1365. Section number referenced is renumbered accordingly.

## **NONRESIDENT WORKERS' HEALTH CERTIFICATES 13 PNCA § 1367**

Formerly codified at 30 PNCA § 205 and now re-codified as 13 PNCA § 1075 by RPPL 9-14 § 19. Section number referenced in this section has been renumbered pursuant to RPPL 9-14 § 19.

All references to the Bureau of Health Services are hereby amended to reference the Bureau of Public Health by RPPL 8-13 § 3.

### **§ 1366. Penalties for violation of chapter.**

Failure by a nonresident worker to have the certificate required by section 1362 of this title in his possession, or failure to take the physical examination required by section 1363 of this title within the time prescribed, shall:

- (a) be grounds for denial of entry or for revocation of nonresident worker's permit or entry permit; and
- (b) constitute a violation of section 1357(b) of this title.

#### **Source**

(P.L. No. 5-45, § 6.) 49 TTC § 56, modified.

#### **Notes**

Formerly codified at 13 PNCA § 1076 and now re-codified as 13 PNCA § 1366. Section numbers referenced are renumbered accordingly.

Formerly codified at 30 PNCA § 206 and now re-codified as 13 PNCA § 1076 by RPPL 9-14 § 19. Section numbers referenced in this section has been renumbered pursuant to RPPL 9-14 § 19.

### **§ 1367. Regulations.**

The President shall have the power, in the manner which is or may be provided by law, to establish and promulgate regulations not inconsistent with this chapter. He may delegate any or all of his responsibilities under this section to the Director of Immigration, the Director of the Bureau of Labor and Human Resources, the Director of the Bureau of Public Health, or any of them.

#### **Source**

(P.L. No. 5-45, § 6.) 49 TTC § 57, modified. Amended by RPPL 6-26 § 19(m).

#### **Notes**

Formerly codified at 13 PNCA § 1077 and now re-codified as 13 PNCA § 1367.

## **13 PNCA § 1367      CITIZENSHIP, IMMIGRATION & LABOR**

Formerly codified at 30 PNCA § 207 and now re-codified as 13 PNCA § 1077 by RPPL 9-14 § 19.

All references to the Bureau of Health Services are hereby amended to reference the Bureau of Public Health by RPPL 8-13 § 3.

### **§ 1368. Exemptions for State governments.**

In hiring skilled workers, state governments shall be exempted from the provisions of this Title except for provisions required by sections 1333 and 1334.

**Source**  
RPPL 10-19 § 4.

**Notes**  
Formerly codified at 13 PNCA § 1078 and now re-codified as 13 PNCA § 1368. Section numbers referenced are renumbered accordingly.