

EXECUTIVE ORDER NO. 273

Establishing a Quota for the Issuance of Workers Visas.

WHEREAS, a recent survey of household income conducted by the Palau National Government disclosed that there are more foreign workers employed in Palau than there are Palauans, and that there are fewer Palauans living in Palau now than there were at the time of the last census in 2005; and

WHEREAS, the President has concluded that the excessive number of foreign workers has developed due to a number of factors, including a minimum wage law that applies only to Palauans, the ease by which employers in Palau can hire foreign workers, and the wages below the minimum wage that such foreign workers are willing to accept; and

WHEREAS, the President notes that the increasing number of foreign workers has suppressed the wages being paid to all workers in Palau and has created a persistent and increasing number of unemployed and underemployed Palauans; and

WHEREAS, the President has determined that the low level of wages being paid to workers in Palau and the persistent unemployment of Palauans are significant factors contributing to the growing problem of the emigration of Palauans looking for better opportunities resulting in the depopulation of Palau by Palauans; and

WHEREAS, it is the opinion of the President that this depopulation of Palau by Palauans will eventually result in a situation where there are more foreigners living in Palau than there are Palauans; and

WHEREAS, the President has determined that the depopulation of Palau by Palauans undermines the social and cultural fabric of our society, and has the potential of creating security problems in relation to Palau's obligations under the Compact of Free Association; and

WHEREAS, while recognizing that the need of Palauan employers to hire nonresident workers is important to the development and maintenance of Palau's economy, the President has determined that Palau has become overly dependent on the use of nonresident workers and therefore that it is in the best interests of the Republic for a quota to be established limiting the number of work visas that can be issued and outstanding at any one time, and to deny work visas to persons when that number has been met; and

WHEREAS, the establishment of a quota on the number of work visas that can be issued and outstanding at any one will work to wean Palauan employers from their unhealthy over dependence on the use of foreign workers, will encourage the employment of Palauans in lieu of nonresident workers, and will create competitive economic pressure to raise the level of wages being paid to all workers in Palau; and

WHEREAS, Palau's Constitution and laws vest broad authority in the President in matters relating to immigration; and

WHEREAS, pursuant to powers delegated by the President, the Director of the Bureau of Immigration has the authority to issue visas and to permit entry into the Republic of persons under the laws and regulations and under such conditions as may be prescribed from time to time by the President, and the President may deny entry or an entry permit upon a finding by the President that such denial is in the best interest of the Republic; and

WHEREAS, as the Chief Executive of the Palau National Government, it is the obligation of the President to take positive action to promote the best interests and general welfare of the People of the Republic;

NOW, THEREFORE, by virtue of the authority vested in the President by Article VIII of the Constitution of the Republic of Palau, and by Title 13 of the Palau National Code, the President orders as follows.

1. Creation of a Quota of the Issuance of Workers Visas. Effective immediately, and except as is otherwise provided herein, the President shall refuse to issue a Work Visa if the issuance of such Work Visa would result in more than six thousand (6,000) Work Visas being outstanding at any one time (the "Quota"), the President specifically finding pursuant to 13 PNC §1005(l) that the denial of Work Visas in excess of the Quota is in the best interests of the Republic. Effective immediately, and except as is otherwise provided herein, the Bureau of Immigration shall not be permitted to issue and have outstanding at any one time Work Visas exceeding the Quota. For purposes of this Executive Order a "Work Visa" is the visa issued to an alien pursuant to a labor permit issued by the Division of Labor; provided, however, that Work Visas issued to citizens or nationals of the United States, to officers and crew of fishing vessels lawfully present in the Republic, temporary Work Visas issued to aliens lawfully present in the Republic pursuant to 13 PNC § 122, and Work Visas specifically exempted here from by the President, shall not be included in the calculation of the number of Work Visas outstanding at any one time.

2. Requests for Exemption from Quota. Requests for an exemption from the Quota will be entertained by the President on a case-by-case basis upon the submission of a written request directly from the person seeking the exemption. At a minimum, the request for an exemption shall set forth in writing the reasons for the request, the number of nonresident workers presently employed by the person requesting the exemption, and the number of Work Visas being sought in excess of the Quota. Exemptions from the quota will not be granted as a matter of course, but only in exceptional or special circumstances and at the discretion of the President. Persons seeking an exemption from the quotas are urged to submit their request before starting a new business or development.

3. List of Work Visas Presently Outstanding. In coordination with the Division of Labor, the Director of the Bureau of Immigration shall prepare and submit to the President by no later than November 16, 2009, a comprehensive list of all Work Visas presently issued and outstanding. At a minimum the list shall include the name and nationality, age, job description, and the identity of employer, of the person to whom the Work Visa has been issued. Any differences in the lists maintained by the respective agencies shall be reconciled or explained.

4. Prospective Effect. The effect of this Executive Order shall be prospective only. In the event the number of Work Visas issued and outstanding on the effective date of this Executive Order exceeds the Quota, no new Work Visas will be issued, but each existing Work Visa will continue in full force and effect and will be permitted to be renewed until the person to whom it has been issued is terminated or resigns.

5. Promulgation of Regulations. The Bureau of Immigration shall, by no later than December 15, 2009, formulate and suggest to the President for promulgation regulations to replace or aid in the implementation of this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 9th day of October, 2009.

/s/

Johnson Toribiong
President
Republic of Palau