

EXECUTIVE ORDER NO. 274

Persons Excluded from Entering Palau without a Visa Issued Prior to their Arrival in Palau.

WHEREAS, at the present time the Republic of Palau issues appropriate visas to aliens upon their arrival at an official port of entry in Palau, provided that they meet certain minimal requirements; and

WHEREAS, the President has determined that this practice recently has resulted in several citizens from the Union of Myanmar, formerly known and commonly referred to as Burma, traveling to Palau to claim asylum once they were admitted for entry into Palau as tourists; and

WHEREAS, the President has determined that this practice also has resulted in numerous Bangladeshi citizens traveling to Palau to seek work once they were admitted for entry into Palau as tourists; and

WHEREAS, the President is advised that in relation to Bangladeshi citizens in particular there have been several significant problems resulting in an ongoing investigation into alleged discrepancies with the documents supporting the labor permits and immigration visas that have been issued to them; and

WHEREAS, the President has determined that the political and socio-economic conditions presently existing in the Union of Myanmar and in the People's Republic of Bangladesh that have caused citizens from their respective countries to take advantage of Palau's lax visa and entry standards are likely to continue, thus encouraging other citizens of those countries to travel to Palau for similar reasons; and

WHEREAS, the President has determined that the abuse of Palau's lax visa and entry standards is injurious to Palau's society and culture; and

WHEREAS, the President has determined that this ongoing situation, particularly the problems occurring in relation to Bangladeshi citizens, is threatening the national security of Palau and complicating Palau's obligations and rights under the Compact of Free Association and these problems are further complicated by the fact that Palau has no diplomatic relations with these countries; 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 affirmative action to promote the best interests of the Republic;

NOW, THEREFORE, for all of the foregoing reasons, 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. Persons Excluded from Entering Pal au without a Valid Visa Issued Prior to their Travel to and Arrival in Palau. Effective immediately, the President shall refuse to issue any visa of any nature at any port of entry in Palau to a person holding a passport issued by the Union of Myanmar or by the People's Republic of Bangladesh (each such country being an "Excluded Country"), the President specifically finding pursuant to 13 PNC §1005(1) that the denial of such visas is in the best interests of the Republic. Effective immediately, the Bureau of Immigration shall not issue any visa of any nature at any port of entry in Palau to a person holding a passport issued by an Excluded Country, and the Bureau of Immigration shall not permit a person holding a passport issued by an Excluded Country to enter Palau at any port of entry in Palau unless such person is in possession of a valid visa to enter Palau issued prior to the person's arrival in Palau. A person holding a passport issued by an Excluded Country who arrives in Palau without a valid visa issued prior to the person's arrival in Palau shall be denied entry and handled in accordance with existing law and regulations.

2. Issuance of Visas to Persons from an Excluded Country. Provided that all other requirements of law and regulation are met, the Bureau of Immigration may issue an appropriate visa to a person holding a passport issued by an Excluded Country, provided

further that such person requests and receives such visa prior to the person's arrival in Palau at an official port of entry.

3. Promulgation of Regulations; Interim Procedure to Obtain Visa. The Bureau of Immigration shall, by no later than November 30, 2009, formulate and suggest to the President for promulgation regulations to replace or aid in the implementation of this Executive Order. Such regulations may provide, upon the payment of a fee, for the overseas issuance of visas by the Embassies of the Republic of Palau, or by any other person at any other place as designated by the President. Until such regulations have been promulgated, a person holding a passport issued by an Excluded Country may obtain a visa to enter the Republic only by writing directly to the Bureau of Immigration to request an application and by submitting said application via registered mail or courier. Provided that all requirements are otherwise met, the Bureau of Immigration may, via registered mail or courier, issue an appropriate visa to such person.

4. List of Persons from Excluded Countries Presently Holding a Valid Visa to Enter Palau. The Bureau of Immigration, Ministry of Justice, forthwith shall take affirmative action to identify, compile, and submit to the President by no later than October 23, 2009, a comprehensive list of all persons holding a passport issued by an Excluded Country and presently possessing a valid visa to enter Palau. At a minimum the list shall include the name, nationality, birth date, passport number, and the number of the Palau visa issued to the person. The Bureau of Immigration shall update this list each time a new visa is issued to a person holding a passport issued by an Excluded Country. The list and each update thereof shall be promptly provided by the Bureau of Immigration to the Office of the President, the Ministry of State, the Bureau of Aviation, the Bureau of Marine Transportation, and to each and every commercial carrier that regularly transports persons to and from the Republic. The list will clearly state that the persons whose names are enumerated thereon have valid visas to travel to and enter Palau and that the carrier may transport the persons to Palau without fear of their being denied entry. The Ministry of State shall, upon its receipt of the list and each update thereof, forthwith transmit the same to the Governments of the United States, Japan, Taiwan, the Philippines, and to the Government of any other country from which a flight or vessel to Palau by a common or commercial carrier may be originating.

5. List of Persons from Excluded Countries Presently Holding a Work Permit. The Minister of Natural Resources, Environment, and Tourism shall immediately compile and submit to the President by no later than October 23, 2009, a comprehensive list of all

Bangladeshi citizens holding a work permit (a.k.a. labor permit, identification certificate, or provisional visa, issued by the Bureau of Labor permitting the person to work in Palau. At a minimum the list shall include the name, nationality, birth date, passport number, the number of the work permit issued to the person, and the person's employer. The Bureau of Labor and all employees thereof shall cooperate fully with and make available all information as requested by the Minister. Additionally, the Bureau of Labor and all employees thereof shall cooperate fully with the Ministry of Justice in any investigation conducted by the Ministry relating to the issuance of work permits. It shall be considered insubordination and cause for dismissal for any employee of the Bureau of Labor to refuse to fully cooperate with the Minister of Natural Resources, Environment, and Tourism or with the Ministry of Justice.

6. Publication of Executive Order; Effective Date. The Bureau of Immigration shall promptly provide a copy of this Executive Order to each and every commercial carrier that regularly transports persons to and from the Republic. Each such carrier, commercial or otherwise, shall be responsible to assure that no person holding a passport issued by the Union of Myanmar or by the People's Republic of Bangladesh boards a flight to Palau unless that person is in possession of a valid visa to enter Palau. This Executive Order shall become effective upon its signature by the President.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 15th day of October, 2009.

/s/

Johnson Toribiong
President
Republic of Palau