

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
46TH CONSTITUTIONAL REGULAR SESSION, 2025



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**LABOR (NON-RESIDENT WORKERS)(AMENDMENT)
ACT 2025**

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**LABOR (NON-RESIDENT WORKERS)(AMENDMENT)
ACT 2025**

AN ACT to amend the Labor (Non-Resident Workers) Act, 2018, to modify the employment cycle of non-resident workers by replacing the fixed two-year period with a maximum of five years, and for related purposes."

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the Labor (Non-Resident Workers)(Amendment) Act 2025.

§102. Amendments.

1. Section 112 is hereby amended as follows:

§112. Types of work permits.

- (1) The following types of work permits may be issued under this Chapter:
 - (a) Foreign Investor;
 - (b) OSL Professionals;
 - (c) General;
 - (d) Family; and
 - (e) Temporary.

- (2) A work permit issued under this Chapter shall be in the prescribed form.
- (3) Except for work permits issued under section 117, and 121 all applications for work permits must be submitted by the employer while the non-resident worker is outside the Republic.
- (4) A work permit shall entitle the holder to work in the Republic during the period of validity of that permit.

2. Section 110 is hereby amended as follows:

§110. Director of Labor to grant work permit.

- (1) No person is entitled as of right to a work permit, and any question whether or not to:
grant; or
 - (a) impose any condition; or
 - (b) apply, vary or cancel any condition; or
 - (c) revoke, any work permit;

is a matter for the decision of the Director, in accordance with the provisions of this Chapter.

- (2) The Director shall not grant a work permit to any person:
 - (a) under section 109; or

3. Section 111 is hereby amended to read as follows:

§111. Submission of applications.

- (7) Every work permit shall be valid for a period not in excess of the applicant or applicant's principle's employment, consultancy or any other contractual obligation requiring residency in the Republic in excess of one (1) year, or, where applicable, for a period not in excess of the applicant or applicant's principle's foreign investment business license ("FIBL"), unless FIBL is otherwise revoked. Any extension or renewal of any type of work permit, except for a temporary work permit, shall be valid for up to 5 years dependent on the duration of the contract, following the expiration of the previous period granted.

4. Section 122 is hereby amended as follows:

§122. Extension of a work permit.

- (1) An employer may, in the manner prescribed by regulations, apply for an extension of a non-resident worker's permit.
- (2) Criteria for the extension of a permit shall be the same as the initial application process and the applicable fees shall be prescribed by regulations.
- (3) An application for extension of a work permit must be submitted to the Director no later than thirty (30) days prior to the expiration of current permit.

5. Section 124 is hereby amended as follows:

§124. Requirement to exit every five years and repatriation after the completion of the employment contract.

- (1) An employer must ensure that every non-resident worker in his or her employment is repatriated to the point of hire at the end of the five years from the date of hire, or upon earlier termination or resignation of the non-resident worker.
- (2) Failure to comply with the requirement to repatriate or exit may result in the forfeiture of the employer's bond to the Government, and the use of such bond to comply with the requirement under subsection (1).
- (3) Notwithstanding the exemption provided under section 10(2) to Government Ministries and Departments, Heads of Government Ministries and Departments shall, in consultation with the Public Service Commission, ensure that non-resident workers are repatriated to the point of hire at the end of their contracts or upon termination.
- (4) Where a non-resident worker transfer from one employer to another, the ~~two~~ five-year period, for purposes of repatriation shall commence on the date the transfer is approved, unless the employment of the non-resident worker is earlier terminated.

5. Section 157 is hereby amended as follows:

§157. Relationship between this Act and other applicable laws.

The issuance of work visas and procedures for obtaining Removal or Deportation Orders referred to under this Chapter shall be governed under the appropriate law on Immigration. Questions arising from or relating to these matters shall be governed by the provisions of that Act.

- (2) Any non-resident worker in the Republic who intends to apply for a Foreign Investor Business License under the Foreign Investment Business License Act 1990 must either terminate or complete the term of their employment contract with the employer and exit the Republic before submitting an application for a Foreign Investment Business License.
- (3) Employers must pay non-resident workers' fees in respect of all non-resident workers in their employment pursuant to the Non-resident Workers (Fee) Act 1987.
- (4) Where applicable, financial matters in this Chapter shall be subject to the provisions of the Financial Management Act 1990 and Procurement Code 1988.
- (5) Regulations promulgating any fees or penalties shall not be subject to the Administrative Procedures Act 1979. Any other regulation required to be promulgated by the Minister or under this Chapter shall be subject to the Administrative Procedures Act 1979.

5. Section 158 is hereby amended as follows:

§158. Regulations.

The Minister shall, with the approval of Cabinet, promulgate regulations as necessary to give effect to the provisions of this Chapter, for all or any of the following purposes:

- (a) prescribing matters of procedure in relation to any application under this Chapter;
- (b) prescribing conditions attach to work permits;
- (c) prescribing fees, charges and other costs not specified under this Chapter;
- (d) prescribing forms for the purposes of this Chapter;
- (e) prescribing Government work permit policy;
- (f) prescribing regulatory offences and penalties;
- (g) providing for such other matters as is contemplated by or necessary for giving full effect to the provisions of the Chapter and for its due administration.

§103. Consequential Amendment.

6. *Section 136 of Immigration Act is hereby amended to read as follows:*

§136. Work visas.

- (1) Every employer that is issued with a work permit under the Labor (Non-Resident Workers) Act 2006 in respect of a non-resident worker, shall, subject to the person's application being denied under section 114, be entitled to be issued with a work visa in respect of that employee.
- (2) Subject to any restrictions prescribed by regulations, the Immigration Division will issue a work visa that is valid for the same duration as the work permit.

7. *Section 140 is hereby amended to read as follows:*

§140. Currency of visas.

- (1) The currency of visas issued under this Chapter shall be:
 - (a) for a residence visa, a period of up 5 years;
 - (b) for a diplomatic visa, a period of up to 2 years;
 - (c) for a business visa, a period of up to 2 years;
 - (d) for a general visa, a period of up to 2 years;
 - (e) for a work visa, a period of up to 5 years;
 - (f) for a student visa, a period of up to 1 year;
 - (g) for a visitor's visa, a period of up to 3 months;
 - (h) for a transit visa, a period of up to 3 days; or
 - (i) for any other type of visa, the period prescribed by regulations.

8. *Section 198 of the Immigration is hereby amended to read as follows:*

§198. Relationship between this Act and the Labor (Non-Resident Workers) Act 2006.

- (1) The Labor (Non-Resident Workers) Act 2006 shall govern the issuance, extension and revocation of work permits. All matters arising from or relating to work permits shall be governed by the provisions of that Act.
- (2) This Act shall govern the issuance, extension and revocation of work visas. All matters arising from or relating to work visas shall be governed by the provisions of this Act.

§104. Effective Date.

This Act shall take effect upon three months after certification in accordance with Article IV, Section 21 of the Constitution and in accordance with the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 43ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 19th day of September 2025; and
2. That I am satisfied that Nitijela Bill No: 43ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 7th day of October 2025.



Hon. Brenson S. Wase
Speaker
Nitijela of the Marshall Islands

Attest:



Morean S. Watak
Clerk
Nitijela of the Marshall Islands