

NOTICE OF PROPOSED REGULATION

ON THE REGISTRATION OF FOREIGN RECRUITERS

Pursuant to the authority vested in the President of the Federated States of Micronesia under Article X Section 2(a) of the FSM Constitution and Section V, Subsection F of Executive Order No. 1, or the Executive Branch Reorganization Order, as amended in April of 2008, I am proposing the enclosed Permanent Regulations Establishing a system of registration and monitoring of Foreign Labor Recruiters to be promulgated according to the procedures set forth in Chapter 1 of Title 17 of the FSM Code (Administrative Procedures Act).

Extra copies of the proposed regulation can be obtained from the Department of Justice in Palikir, Pohnpei. Any person interested in commenting on the proposed regulation may do so by written submission to:

Secretary Joses R. Gallen, Sr.
Secretary of Justice
P.O. Box PS-105, Palikir, Pohnpei
Federated States of Micronesia 96941

All written submissions must be received by the Secretary of Justice within thirty (30) days of the posting of this notice, or no later than May 22, 2020.

This proposed regulation shall take effect on the date indicated on this notice. Persons affected should assume that this proposed regulation became effective on that date unless they learn otherwise. The actual date of effectiveness will be noted on the certified copy of the permanent regulation to be filed pursuant to 17 F.S.M.C. §103(1).

The proposed effective date of these regulations shall be on June 1, 2020.

Approved by the President:

Date: 4/24/20



H.E. David W. Panuelo
FSM President

Approved as to legal sufficiency:

Date: 4/21/20



Justice Secretary

Permanent Regulations
Establishing a system of registration and monitoring
of Foreign Labor Recruiters

April 2020

PART 1
GENERAL PROVISIONS

1.1 Purpose.

These Regulations are promulgated for the following intentions and purposes:

- (A) To give effect to the Agreement in Implementation of Section 175(b) of the Compact of Free Association, as Amended, which is the AGREEMENT REGARDING PROTECTIONS FOR CITIZENS OF THE REPUBLIC OF THE FEDERATED STATES OF MICRONESIA (FSM) SEEKING TO ENGAGE IN EMPLOYMENT IN THE UNITED STATES PURSUANT TO RECRUITMENT OR OTHER PLACEMENT SERVICES, by establishing a national mechanism for the systematic registration of Recruiters to properly record all the necessary information relating to Recruiters and their recruiting activities in the Federated States of Micronesia;
- (B) To safeguard the rights and welfare of the citizens of the Federated States of Micronesia who are employed or seeking to be employed in the United States pursuant to employment opportunities in accordance with the provisions of the Amended Compact; and
- (C) To create monitoring system by which recruitment activities are conducted through lawful means.

1.2 Authority.

These Regulations are adopted pursuant to the authority of the President under Article X Section 2(a) of the FSM Constitution, Section V, Subsection F of Executive Order No. 1, or the Executive Branch Reorganization Order, as amended in April of 2008, regarding the duties, responsibilities, and internal organization of the Executive Departments and Offices.

1.3 Force and Effect.

These Regulations shall have the full force and effect of law and shall be in force from the date of adoption or promulgation until such time as it becomes terminated or repealed.

1.4 Severability.

If any provision or part of these Regulations shall be found as invalid, void, or otherwise ineffective, such ineffective parts or provisions shall be severable from the remaining parts of the Regulations, and the remaining parts shall continue in full force and effect and unaffected by such ineffective provisions.

1.5 Definitions.

Unless the context otherwise requires, the following terms shall have the following meanings throughout these Regulations:

- (A) 'attestation' means a declaration by a Recruiter, supported by evidence, of the fulfillment by the Recruiter, or its intention to fulfill, its obligations under these Regulations;
- (B) "Department of Justice" means the Department of Justice of the Federated States of Micronesia;
- (C) "Division of Labor" means the Division of Labor of the Department of Justice of the Federated States of Micronesia;
- (D) 'blacklist' means a list of Recruiters who are prohibited indefinitely from recruiting FSM citizens for employment in the United States;
- (E) 'employer' or 'U.S. employer' means any business, company, corporation, governmental department, or other entities in the U.S. which have under its employment FSM citizens who are recruited pursuant to these Regulations;
- (F) 'forfeiture' means the passing of legal title to or interest in a surety bond, or a part thereof, from the Recruiter to the FSM Government;
- (G) 'FSM citizen' means any citizen of the Federated States of Micronesia recruited by Recruiters for employment in the United States;
- (H) 'Government' – unless otherwise expressly stated in the text, or where the text implies a distinctly different meaning, reference to the Government is reference to any or all relevant departments, divisions or agencies of the FSM National Government, and vice versa;
- (I) 'Recruiter' means any person, entity, or corporation, or their agents, engaging in the recruitment of FSM citizens for employment in the United States;

- (J) 'recruitment activities' refers to any act carried out by a Recruiter for the purpose of recruiting FSM citizens for employment in the United States;
- (K) 'Registrar' refers to the Registrar of Corporations in the FSM Department of Justice per Executive Order No. 1 (as amended 2008);
- (L) 'revocation' means a five-year cancellation of a Recruiter's registration and ability to recruit FSM citizens for employment in the United States;
- (M) 'semi-annual reporting' means a report by a Recruiter to the FSM Government every 6 months, or twice a year;
- (N) 'surety' means a financial institution financially capable of releasing the required amount to the FSM Government in the event that a Recruiter fails to comply with these Regulations;
- (O) 'surety bond' means a certain amount of money put up by a Recruiter as security bond to ensure that the Recruiter complies with these Regulations; and
- (P) 'suspension' means a one-year cancellation of a Recruiter's registration and ability to recruit FSM citizens for employment in the United States.

PART 2 REGISTRATION REQUIREMENTS

2.1 Who Must Register.

- (A) Every Recruiter must register with the Registrar of the Federated States of Micronesia.
- (B) Any Recruiter seeking to engage in recruitment activities after the effective date of these Regulations shall first register with the Registrar before engaging in any recruitment activity.
- (C) Any Recruiter who has already engaged in recruitment activities prior to the effective date of these Regulations shall register with the Registrar within a reasonable time after the effective date of these Regulations.

2.2 Contents of Registration.

- (A) In addition to any such additional information as may be prescribed by the FSM Government from time to time as it deems necessary to fully carry out the purpose of these Regulations, all registrations of Recruiters shall contain the following information:

- (i) the name, address, telephone number, facsimile number, and email address, if any, of such Recruiter and, where the Recruiter is an entity or corporation, its Articles of corporation, directors and principal officers and of any company through which, or in cooperation with which, such Recruiter conducts any such recruitment activities;
 - (ii) the name, address, telephone number, facsimile number, and email address, if any, of any and all partners, agents, or other persons, entities or corporations in the United States or elsewhere with which the Recruiter has cooperated or intends to cooperate in seeking to place any citizen of the Federated States of Micronesia with any employer in the United States;
 - (iii) the name, address, telephone number, facsimile number, and email address, if any, of a local agent duly appointed, designated and authorized to receive notification and legal process in the Federated States of Micronesia; and
 - (iv) the dates of any previous suspensions or revocations of a Recruiter's registration for failure to comply with the registration, reporting, or any other requirements of these Regulations.
- (B) If, on the effective date of these Regulations, a Recruiter is already engaged in any recruitment or placement activities with respect to citizens of the Federated States of Micronesia, then such Recruiter must immediately stop any further recruitment or placement activities, and, within a reasonable time after the effective date of these Regulations, no more than 45 days therefrom, file a registration with the National Government of the Federated States of Micronesia containing all the information required under subparagraphs (A)(i) through A(iv) of this paragraph, together with all the information required under Part 3 and Part 4 of these Regulations.

2.3 Surety Bond.

The Registrar shall require any Recruiter who wishes to register under these Regulations for the purpose of recruiting FSM citizens for employment in the United States to post a surety bond in an amount not less than \$50,000 USD as a pre-requisite of registration of such Recruiter, the purpose and management of which shall be in accordance with Part 7 of these Regulations.

2.4 Failure to Register.

A Recruiter's failure to register prior to engaging in recruitment activities, or in the case of a Recruiter already engaged in recruitment activities, failure to register within a reasonable time after the effective date of these Regulations, shall subject such Recruiter to any such penalties as prescribed under Part 5 of these Regulations and any other penalties as may be prescribed by the Registrar as reasonably necessary to deter Recruiters from subsequent breaches of these Regulations.

2.5 Labor certificate.

- (A) It is the duty of a registered Recruiter to obtain a certificate from the Division of Labor, authorizing the Recruiter to commence recruitment activities for every employer or business. Any recruitment activities conducted without a certificate being issued is considered a violation of these Regulations.
- (B) In issuing a certificate, the Division of Labor shall ensure that the Recruiter complied fully with the registration requirement set out in these Regulations. The Recruiter shall produce to the Division of Labor such evidence (such as a business license issued in the United States) to demonstrate the authenticity or legitimacy of the business or the employer for which FSM citizens are recruited to work.
- (C) A certificate may be cancelled based upon any violation of these Regulations with prior hearing conducted in accordance with the Administrative Procedures Act (Title 17 of the FSM Code).
- (D) Absence of foreign investment permit or lack of a business license on the part of the Recruiter is a not a ground for refusal to issue a certificate or for the cancellation of a certificate.
- (E) There shall be no deployment of FSM citizens in the event that a certificate required under subparagraph 2.5(A) is not issued or if both the employer and the employee have not signed an employment contract. It shall be a condition in the employment contract that, in the case of death of the FSM citizen, the employer bears the costs of shipment of remains of the FSM citizen employee back to his or her home state and island in FSM. Copy of the signed employment contract shall be filed with the Division of Labor.

**PART 3
REPORTING REQUIREMENTS**

3.1 Semi-Annual Reporting.

Any Recruiter registered with the Registrar pursuant to Part 2 of these Regulations shall thereafter update said registration twice each year, once in the month of May and once in the month of November of each year, by providing the following information:

- (A) any changes or updates in the information initially provided by the Recruiter in the registration required under Part 2 of these Regulations;
- (B) the names, addresses, telephone numbers, facsimile numbers, and email addresses, if any, of all FSM citizens who are currently employed in the United States pursuant to employment arranged by the Recruiter;
- (C) the names, addresses, telephone numbers, facsimile numbers, and email addresses, if any, of all U.S. employers of the FSM citizens referred to in paragraph (B) of this Subpart of Part 3;
- (D) a list of all fees received by the Recruiter in connection with such placement services, including fees, if any, paid by the FSM citizen, or any person acting on the FSM citizen's behalf, to the Recruiter in connection with any such placement;
- (E) a statement as to whether the Recruiter, directly or indirectly, is receiving, or has received, any U.S. Federal or State government grant or other U.S. government funding in connection with recruitment, training, or placement of any FSM citizen with a U.S. employer, and, if so, provide the name, address, amount, and designated purpose of each such source of grants or funds; and
- (F) an attestation as provided in Part 4 of these Regulations;
- (G) provided, however, that it is not mandatory to make a report if a Recruiter has less than one month from its registration as a recruiter.

3.2 Additional reporting requirements.

- (A) The Recruiter shall inform the nearest FSM Consulate or Embassy of any incident involving the employee's arrest or commission of any crime in the United States.
- (B) The Recruiter shall report immediately to the Registrar of Corporation and the Division of Labor should there be any employment violations against FSM citizens, such as, nonpayment of wages or withholding of financial benefits, or if there are unfair labor practices that are considered illegal in the place of employment. Failure to report is considered a violation of this regulation that constitutes a basis for forfeiture of bond.

3.3 Failure to Report.

A Recruiter's failure to provide a timely report as required in paragraphs 3.1 or in paragraph 3.2 shall subject such Recruiter to any such penalties as prescribed under Part 5 of these Regulations, and any other penalties as may be prescribed by the Registrar or the Division of Labor as reasonably necessary to deter Recruiters from subsequent breaches of these Regulations.

PART 4
ATTESTATION REQUIREMENTS

4.1 Compliance with Laws of the Federated States of Micronesia and the United States.

Any Recruiter who is required to register with the Registrar pursuant to Part 2 of these Regulations shall, as part of the semi-annual reporting and registration updates referred to under Part 3 of these Regulations, attest that it will comply with all applicable:

- (A) laws and regulations of the Federated States of Micronesia, including those relating to the registration of Recruiters, and
- (B) U.S. Federal, State, or local laws, including those relating to recruitment, placement and/or employment of persons in the United States.

4.2 No Debt, Liquidated Damages, or Similar Arrangements.

Any Recruiter required to register with the Registrar pursuant to Part 2 of these Regulations shall, as part of the semi-annual reporting and registration updates referred to under Part 3 of these Regulations, attest that the Recruiter, and anyone connected with the Recruiter, including any U.S. employer with which the FSM citizen is placed, has neither, to the best of the Recruiter's knowledge:

- (A) entered into any arrangement whereby the FSM citizen, or any other person acting on behalf of the FSM citizen, has signed a promissory note, confession of judgment, or similar promise to pay liquidated damages should the FSM citizen not fully complete the terms of any recruitment, employment contract, or similar arrangement, nor
- (B) entered into any other debt arrangement with the FSM citizen, or any other person acting on behalf of such citizen, as consideration for being placed with a U.S. employer.

4.3 Disclosure to Recruited FSM Citizens.

- (A) Any Recruiter shall, as part of the semi-annual reporting and registration updates referred to under Part 3 of these Regulations, attest that it has disclosed, and in the future will disclose, in writing, in both English and the local language of the FSM citizen to each FSM citizen recruited, or to be recruited, for employment in the United States, the terms and conditions of such employment, including, but not limited to:
 - (i) the anticipated or actual duration, if any is specified, of the FSM citizen's employment;

- (ii) the type of work to be performed by the FSM citizen;
 - (iii) the rate of pay;
 - (iv) the number of hours and times of day the work typically will be performed;
 - (v) the amount of fees to be paid by the FSM citizen to the Recruiter or any parties with which the Recruiter has cooperated in recruiting or placing the FSM citizen, and any other employment-related fee or expense, such as job skill testing, medical examination, or drug testing;
 - (vi) that taxes and related items will be deducted from the gross paycheck in accordance with applicable U.S. Federal, State, and local law;
 - (vii) any amounts that will be deducted from the FSM citizen's paycheck other than normal withholding of taxes and related deductions;
 - (viii) all estimated costs the FSM citizen will be reasonably expected to incur in connection with such employment;
 - (ix) whether the FSM citizen's transportation expenses to and from the United States will be paid by the Recruiter or another person or entity, including, in the case of death, the cost of shipping the remains of the FSM citizen to his or her State of origination in the FSM;
 - (x) whether the FSM citizen will be provided room and board upon commencement of such employment, and, if so, for how long, whether such room and board are mandatory or optional, whether any such room and board are provided without cost to the FSM citizen or, if not, the estimated costs for any such room and board, and whether such costs will be deducted directly from the FSM citizen's paycheck; and
 - (xi) whether job training will be provided to the FSM citizen, and, if so, a general description of such training and all of the information specified in items (i) through (x) above with respect to the training period.
- (B) Any Recruiter shall, as part of the semi-annual reporting and registration updates referred to under Part 3 of these Regulations, attest that it has fully disclosed, and in the future will fully disclose the information specified below, in writing, in both English and the local language of the FSM citizen to each FSM citizen recruited, or to be recruited, for employment in the United States prior to the time the FSM citizen enters into any agreement with the Recruiter or arranged by the Recruiter regarding such recruitment or employment:

- (i) that the FSM citizen has the right to be admitted into the United States to lawfully engage in occupations and establish residence as a nonimmigrant in the United States and its territories under Section 141 of the Compact of Free Association between the United States and the FSM, as Amended;
- (ii) that an FSM passport and Form I-94 issued by U.S. Customs and Border Protection may be used to establish an FSM citizen's identity and eligibility to work in the United States;
- (iii) that the FSM citizen's right to reside and work in the United States is not dependent upon his or her employment status;
- (iv) that the FSM citizen has a right to change employers in the United States, without any adverse immigration consequences, but any change of employment or employer must be reported by the Recruiter to the Registrar of Corporation;
- (v) that completion of any recruitment or employment contract shall not be a condition of any FSM citizen's right to remain in the United States under United States or FSM law;
- (vi) that the FSM citizen may have rights, under certain circumstances, when the employment is terminated through no fault of the FSM citizen at a time earlier than that agreed upon;
- (vii) that entry into any debt, liquidated damages, or similar arrangement described in Part 4.2 of these Regulations is forbidden;
- (viii) that failure to complete such employment contract may constitute breach of contract with certain legal consequences depending on the circumstances, including an action for actual, but not liquidated or similar damages;
- (ix) that an FSM citizen does not have a right to free counsel in the United States in any civil judicial or administrative proceeding;
- (x) that an FSM citizen may contact the U.S. Department of Labor concerning his or her rights and protections under U.S. laws and regulations; and
- (xi) any other information reasonably necessary to inform the prospective contract worker fully of the material terms and conditions of such employment contract.

4.4 Failure to Attest.

A Recruiter's failure to provide true and adequate attestation as required under these Regulations shall subject such Recruiter to any such penalties as prescribed under Part 5 of these Regulations and any other penalties as may be prescribed by the Registrar as reasonably necessary to deter Recruiters from subsequent breaches of these Regulations.

PART 5 PENALTIES

5.1 Suspension.

The Government shall suspend for a one-year period the registration and privilege of any Recruiter to recruit or place FSM citizens for the purposes of employment in the United States for any of the following reasons:

- (A) the Government determines, after an investigation, that such Recruiter or any affiliated person, entity, corporation or agent has materially failed to comply with the provisions of these Regulations;
- (B) the Government receives a report or other information from the U.S. Government that such recruiter or any affiliated person, entity, corporation or agent has recruited or placed any FSM citizens with an employer in the United States after notification that the employer was determined by an appropriate U.S. Federal, State, or local government authority, following investigation, to have:
 - (i) materially violated any applicable U.S. Federal, State, or local law concerning employment standards;
 - (ii) engaged in a pattern of materially violating the terms of employment contracts or similar agreements with any FSM citizen;
 - (iii) otherwise violated the rights of any FSM citizen reasonably related to such employment; or
 - (iv) otherwise engaged in violations of labor laws and/or safety standards such as the minimum wage law;
- (C) the Government determines, on the basis of the actions of the Recruiter or any affiliated person, entity, corporation or agent, that such a one-year suspension is otherwise appropriate;
- (D) the U.S. Government requests such suspension following consultations in accordance with Part 6.5 of these Regulations; or

- (E) such Recruiter or any affiliated person, entity, corporation or agent fails to comply with the registration, reporting, or attesting requirements under these Regulations.

5.2 Revocation.

The Government shall revoke for a period of five years the registration or privilege of any Recruiter to recruit or place FSM citizens for the purposes of employment in the United States for any of the following reasons:

- (A) such Recruiter or any affiliated person, entity, corporation or agent knowingly files a materially false Recruiter registration, semi-annual reporting and registration update, or attestation;
- (B) such Recruiter or any affiliated person, entity, corporation or agent at any time violates a one-year suspension order;
- (C) the Government determines on the basis of the actions of the Recruiter or any affiliated person, entity, corporation or agent that such revocation is otherwise appropriate; or
- (D) the U.S. Government requests such revocation following consultations in conformity with Part 6.5 of these Regulations.

5.3 Blacklisting.

- (A) The Registrar shall establish and maintain a record of blacklisted Recruiters.
- (B) A Recruiter shall be blacklisted by the Registrar, if during the period of suspension or revocation of the Recruiter's registration or privilege to recruit or place FSM citizens for the purposes of employment in the United States:
 - (i) the Recruiter continues to recruit, or attempts to recruit any FSM citizen for employment in the United States;
 - (ii) the Recruiter has been convicted by the U.S. Government for violation of recruitment and labor laws; or
 - (iii) in the view of the Government, the Recruiter is a threat to the adequate protection of the rights and welfare of FSM citizens.
- (C) The Government may remove a Recruiter from the blacklist if the Government finds that such Recruiter no longer poses a threat to the protection of the rights and welfare of FSM citizens.

5.4 Prosecution.

Violators of these Regulations shall be subject to criminal prosecution in accordance with the law. The Department of Justice shall conduct criminal investigation of any suspected illegal recruitment activities and take such actions as are appropriate, including criminal prosecution, as may be warranted by evidence.

PART 6 DUTIES AND RESPONSIBILITIES

6.1. Recruiters.

- (A) It shall be the sole responsibility of a Recruiter to ensure its compliance with the registration, reporting, and attestation requirements of these Regulations.
- (B) In addition to paragraph (A) above, the Recruiter shall also be responsible for ensuring that the following protections are included in any employment contracts for the employment of FSM citizens in the United States:
 - (i) Non-discrimination: a guarantee that FSM citizens recruited for employment in the United States will not be discriminated against on the basis of their origin, status, gender, English proficiency, or by any reason whatsoever;
 - (ii) Non-confiscation of passports: a guarantee that the passports of FSM citizens' passports will never be confiscated by the Recruiter or the employers of FSM citizens; and
 - (iii) Compliance with labor benefits and privileges accorded under U.S. law and those that are provided under employment contract: a guarantee that the employment of FSM citizens complies with relevant U.S. labor laws and safety standards, such as the minimum wage law, and any other employment benefits that may be provided through an employment contract.

6.2. Government of the Federated States of Micronesia.

- (A) The Registrar of Corporations and other relevant Departments and Agencies of the National Government of the Federated States of Micronesia shall be responsible for conducting investigations in the Federated States of Micronesia, as may be appropriate, to determine whether a Recruiter has materially complied with these Regulations and other laws governing the recruitment of FSM citizens for employment in the United States.

- (B) The Government shall make proper dissemination of information to citizens through appropriate means, including, but not limited to, distribution at schools, posting in public places, and through printed and electronic media, as may be necessary to ensure citizens are fully aware of their rights when recruited for employment in the U.S.
- (C) The Government shall fully cooperate with the U.S. Government in any law enforcement action undertaken by the U.S. Government arising out of violations of applicable laws by Recruiters relating to any employment involving FSM citizens recruited for employment in the U.S.

6.3. Government of the United States of America.

- (A) The responsibility to conduct investigations in the United States remains the sole responsibility of the Government of the United States, in accordance with relevant U.S. laws, to ensure Recruiters' compliance with United States recruitment, labor, and other applicable laws.
- (B) The FSM Government may, from time to time, request the assistance of the United States Government, as appropriate, to help the FSM Government carry out its duties and responsibilities under these Regulations, in accordance with Subsidiary Agreement on Labor Recruiter Registration between the FSM and the U.S., adopted in implementation of Section 175(b) of the Compact of Free Association, as amended.

6.4. Sharing of Information.

Sharing of information between the Government of the Federated States of Micronesia and the Government of the United States shall be in accordance with the Subsidiary Agreement on Labor Recruiter Registration between the FSM and the U.S., adopted in implementation of Section 175(b) of the Compact of Free Association, as amended.

6.5. Consultations.

The FSM Government shall engage in regular consultations with the Government of the United States to determine whether the rights and privileges of FSM citizens recruited for employment in the United States are adequately protected, and if a determination is made that such rights and privileges are not adequately protected, the FSM Government shall work with the U.S. Government to discuss appropriate steps to ensure adequate protection of such rights.

**PART 7
SURETY BONDS**

7.1 Posting.

Prior to registration of a Recruiter with the Registrar, such a Recruiter shall be required to post a surety bond in an amount not less than \$50,000 USD, as a guarantee that the Recruiter will comply with the provisions of these Regulations and all other recruitment and labor laws of both the FSM and the United States.

7.2 Surety.

The surety must be a financial institution approved by the FSM Government.

7.3 Forfeiture of Surety Bonds.

In the event that the Recruiter fails to comply with these Regulations and other applicable recruitment and labor laws and regulations, the bond shall be deemed as forfeited, and the surety shall be obligated to transfer the surety bond to the FSM Government.

7.4 Partial Forfeiture of Surety Bonds.

In the event that a Recruiter maintains full compliance with these Regulations and other applicable recruitment and labor laws and regulations, upon the death of a FSM citizen recruited or employed pursuant to these Regulations, a partial forfeiture of 2% of the total amount of the surety bond shall take place.

7.5 Government Management of Surety Bonds.

The FSM Government shall maintain proper accounting and storing of any and all surety bonds forfeited to the FSM Government, and shall only disburse such monies for the following purposes:

- (A) upon the death of a FSM citizen recruited or employed by Recruiters in accordance with these Regulations, the FSM Government shall disburse a sum of money which is reasonably necessary for the purpose of transporting the remains of the FSM citizen back to his or her State of origin in the FSM for proper burial, and any other associated expenses thereof; or
- (B) in the event that a FSM citizen or citizens, while in employment arranged by a Recruiter, suffer losses or hardship due to a Recruiter's failure to comply with these Regulations, the FSM Government shall disburse a certain amount of money as is reasonably necessary to compensate the affected FSM citizen for losses suffered.

**PART 8
AMENDMENTS**

8.1 Review and Amendment.

The Department of Justice shall review these Regulations from time to time, and may recommend such amendments as are deemed necessary to better carry out the purpose of these Regulations and to better protect the rights and welfare of FSM citizens recruited for employment in the United States.



Department of Justice
Federated States of Micronesia

Joses R. Gallen, Sr., Secretary

(691) 320-2608

April 21, 2020

MEMORANDUM

TO: President

FROM: Chief of Law

THROUGH: DOJ Secretary Joses R. Gallen, Sr. 

SUBJECT: Proposed Regulation on the Registration of Foreign Recruiters

RECEIVED
APR 22 2020
Office of the
President FSM

Section 175(b) of the Amended Compact requires that the FSM Government establishes a registration system for foreign recruiters and placement services.

The attached regulation establishes a mechanism for the registration of recruiters. A recruiter is a person or entity engaged in recruiting FSM citizens for employment in the United States. This regulation is intended to protect the interests of FSM citizens being employed. It also allows the FSM Government to protect and monitor the rights of FSM citizens recruited to work abroad.

This regulation requires a recruiter to post appropriate bond that could be forfeited in the event a recruiter violates its obligation, including the submission of annual reports.

We respectfully recommend that you consider endorsing this regulation for posting for public comment. Thank you.


Leonito Bacalando, Jr.

cc: FSM Registrar of Corporation
Chief of Immigration & Passport Services
Chief of Labor

SCANNED
4/21/20 