

THE THIRTY-FOURTH LEGISLATURE OF AMERICAN SAMOA

First Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa  
on Monday, the twelve day of January  
two thousand and fifteen

AN ACT REGULATING THE ABILITY OF CORPORATIONS TO SPONSOR  
ALIENS; AMENDING SECTION 41.0408 A.S.C.A.

Preamble:

WHEREAS, the current language under A.S.C.A. 41.0408 is vague and gives minimal direction on sponsorship of aliens by corporations; and

WHEREAS, this has led to the sponsorship of aliens by corporations to be abused through sponsorship actions that are inconsistent with Article I Section 3 of the Revised Constitution of American Samoa and A.S.C.A. 41.0201; and

WHEREAS, the Territory would benefit from specific language to control and limit the sponsorship of aliens by corporations.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

**Section 1. 41.0408 is amended to read:**

**“41.0408 Sponsors ~~for~~ of persons permitted to remain.**

**(a) Every person who applies for permission from the Board to remain in American Samoa is required to have a sponsor.**

**(b) The following persons are eligible to act as sponsor:**

**(1) all American Samoans, and nationals of the United States;**

**(2) any ~~partnership or~~ corporation authorized under A.S.C.A. Title 30 to do business in American Samoa and certified by the Attorney General to sponsor aliens pursuant to the following general requirements: established record of financial responsibility, proof of timely payment of local taxes, fees and other government assessments, proof of established business plan for operations in American Samoa, and good corporate citizenship. These general requirements may be expanded or elaborated upon from time to time through the promulgation of regulations by the Attorney General.**

**(3) Notwithstanding the provisions of subsection (b)(2) above, no corporation may sponsor an alien who has any control or interest in any corporation in American Samoa. Such persons who are deemed to have control or interest in a**

**corporation shall include but not be limited to alien: incorporators, investors, shareholders, directors and officers of any corporation incorporated under the laws of American Samoa.**

**(c) Persons sponsoring aliens for domestic purposes shall comply with the following requirements:**

**(1) Persons may be sponsored for the purpose of domestic work, including agricultural labor, provided the Board is satisfied of the need for the domestic help and of the lack of permanent residents for such employment and the person is within the numerical limitations established in chapter 03. No person may sponsor more than one person for domestic work unless it is clearly established to the satisfaction of the Board that more than one domestic worker is necessary by reason of age or infirmity of the sponsor or a member of his family, and no person may sponsor more than one person for agricultural work unless the Board is satisfied that the sponsor needs the additional workers and can afford their care in all ways while they are in American Samoa;**

**(2) Where a person sponsors more than one alien for domestic or agricultural work without approval of the Board gained after satisfaction of the foregoing criteria, the additional aliens shall be subject to termination of sponsorship and deportation from the territory;**

**(3) All aliens sponsored for domestic or agricultural purposes shall reside with their sponsors. Failure to comply shall be grounds for termination of sponsorship and deportation.**

**(d) Persons may be sponsored for purposes of other employment provided the Board is satisfied of the need and of the lack of permanent residents for such employment, and the person is within the numerical limitations established in chapter 03. The Board furthermore shall have the right to limit the number of aliens sponsored for other employment by a sponsor as dictated by the circumstances.**

**(e) A sponsor shall be responsible for all medical bills, taxes, transportation, to the alien's native country, educational costs, legal expense of the public defender, and other public debts of the alien and dependents.**

**(f) Any person sponsoring another must reside in American Samoa during the period of sponsorship. Should it appear to the Board that the sponsor has departed from American Samoa for an indefinite period of time, the person sponsored may have his permission to remain revoked. A sponsor shall lose his authority to sponsor a person if he fails to pay all costs as established by (e) above, or if he resides outside American Samoa in excess of 3 consecutive months.**

**(g) A sponsor may revoke his sponsorship or terminate the employment of any person sponsored by giving written notice to the Board and to the person sponsored.**

**~~(h) Sponsorship of persons may be transferred from one employer to another provided the board is satisfied of the need and of the lack of permanent residents for such employment.~~**

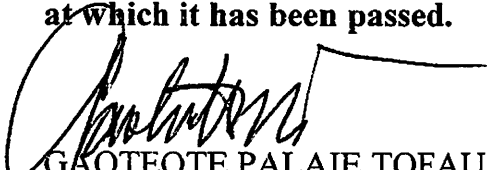
(h) Unless otherwise noted, persons who are in American Samoa and are sponsored shall have the right to remain in American Samoa for up to 20 days following revocation of sponsorship or termination of employment; the Board may order deportation in less than ten days for cause pursuant to chapter 06. The sponsor's obligations under subsection (e) above shall continue during this period.


(i) Persons who are in American Samoa and subjected to domestic or family violence by his or her sponsor or that sponsor's household or family members shall have the right to remain in American Samoa for up to 45 days following revocation of sponsorship or termination of employment. To qualify as someone "subjected to domestic or family violence" the court must make a specific finding as such.

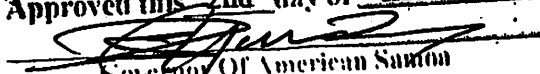
(j) Should an alien have a case pending against his or her sponsor, the alien may remain in American Samoa until a judgment has been reached in his or her case."

Sec 2. Effective date.

In accordance with Article II, Section 19 of the Revised Constitution of American Samoa, this act shall become effective 60 days after the end of the session at which it has been passed.

  
GAOTEOTE PALAIE TOFAU  
President of the Senate

  
SAVALI TALAVOU ALE  
Speaker, House of Representatives

Hereby Approved this 2nd day of March 2015  
  
Governor of American Samoa