STANDING COMMITTEE REPORT NO. 17-88

RE: C.B. NO. 17-64/J&GO

SUBJECT: TO DEFINE THE GENERAL RIGHTS AND OBLIGATIONS OF NATIONALS OF THE FEDERATED STATES OF MICRONESIA

JANUARY 31, 2012

The Honorable Isaac V. Figir
Speaker, Seventeenth Congress
Federated States of Micronesia
Third Regular Session, 2012

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 17-64, entitled:

> "A BILL FOR AN ACT TO AMEND TITLE 7 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED BY PUBLIC LAW NO. 15-28, BY ADDING A NEW CHAPTER TO DEFINE THE GENERAL RIGHTS AND OBLIGATIONS OF NATIONALS OF THE FEDERATED STATES OF MICRONESIA, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

The FSM Constitution provides that any person born of one or two FSM-citizen parents is both a citizen and a national of the FSM. Although individuals may lose their FSM citizenship, most commonly by dual citizens failing to elect to retain their FSM citizenship and renounce their other citizenship within three years of their eighteenth birthday, such individuals retain their status as nationals of the FSM. However, the law is currently silent on the practical consequences of such a status. This bill and two associated bills, C.B. Nos. 17-63 and 17-65, are intended to define and clarify the rights and responsibilities of FSM nationals.

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Hearings were held on this bill and the associated bills in Yap on September 25, 2011, in Chuuk on September 27, 2011, in Kosrae on September 31, 2011, and in Palikir on January 24, 2012. Participants at all the hearings, including representatives of the executives and legislatures of the states, unanimously supported the bills' objectives of defining the rights and responsibilities of non-citizen nationals, including the right to reside and work in the FSM.

At the hearing in Palikir, the Chief of Immigration and Labor stated there were no figures for how many non-citizen nationals were currently in the FSM. He pointed out that those who were US citizens were currently able to live and work in the FSM because of the Compact of Free Association with the United States, but that those who were citizens of other nations, such as Japan, China, or the Philippines, had no such rights. Senator George noted that in Kosrae there are a number of FSM nationals who are Nauruan citizens who would also benefit from the passage of these bills. The Chief stated that the bills would be a good step forward for the FSM, noting also that some nationals had unwittingly lost their citizenship by failing to make a declaration within the time required by Article III of the Constitution.

Chairman Panuelo emphasized that the bills do not grant FSM nationals all of the rights of FSM citizenship, and should not be seen as resolving the ongoing debate over dual citizenship. Rather, they recognize, as does our Constitution, that non-citizen nationals are still members of our Micronesian family, and the rights granted to them would enable them to maintain their ties with the nation.

Your Committee received no comments in opposition to the passage of the bill. However, at several of the hearings, witnesses questioned whether any distinction should be made between nationals residing in the FSM and those living elsewhere. Your Committee agrees that all FSM nationals are members of our Micronesian family and that no such distinction should be made. In addition, the specific listing in the bill of certain rights reserved to citizens under the Constitution apparently caused confusion. Your Committee believes it is clearer to let the Constitution speak for itself with respect to such rights.

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Your Committee therefore recommends the following amendments to the bill as follows:

1. Page 2, line 1, delete "who is a permanent resident".
2. Page 2, lines 5 to 11, delete ", except that a non-citizen national shall: (1) not be eligible to vote or be nominated as a candidate in any national election; (2) not be eligible to own land or real property, where such ownership is restricted to citizens".

Your Committee on Judiciary and Government Operations is in accord with the intent and purpose of C.B. No. 17-64, and recommends its passage on First Reading, and that it be placed on the Calendar for Second and Final Reading in the form attached hereto as C.B. No. 17-64, C.D.1.

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Respectfully Submitted,

/s/ David W. Panuelo
David W. Panuelo, chairman

/s/ Bonsiano F. Nethon
Bonsiano F. Nethon, vice chairman

Tiwiter Aritos, member

/s/ Isaac V. Figir
Isaac V. Figir, member

/s/ Yosiwo P. George
Yosiwo P. George, member

/s/ Dohsis Halbert
Dohsis Halbert, member

Roger S. Mori, member