

A BILL FOR AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended, by amending section 103 and 104 to clarify the entry permit exception for citizens and nationals of the United States of America, the Republic of the Marshall Islands and the Republic of Palau, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 103 of title 50 of the Code of the Federated
2 States of Micronesia, as amended by Public Law No. 10-14, is hereby
3 further amended to read as follows:

4 "Section 103. Entry permits - Types.

5 (1) A permit is not required for a person visiting for
6 thirty days or less. For a visit in excess of thirty days, a
7 permit may be issued for an additional period not to exceed
8 sixty days; except that, with respect to citizens and
9 nationals of the United States of America, for the effective
10 period of the Compact of Free Association, and with respect
11 to citizens and nationals of the Republic of the Marshall
12 Islands and the Republic of Palau, a permit [~~may be issued~~]
13 is not required for the duration of the visit, which shall
14 not exceed 365 days.

15 (2) A visitor's permit for any lawful purpose, including
16 performance of necessary services on a short-term contractual
17 basis, may be issued for a period of specified duration
18 reflecting the time necessary to accomplish the purpose.

1 (3) A student permit shall be issued for a specified
2 duration reflecting a student's enrollment in a school or
3 educational program.

4 (4) A foreign government official's permit may be issued to
5 any official, employee, or contractual personnel of a foreign
6 government or governmental regional or international
7 organization who wishes to enter the Federated States of
8 Micronesia for purposes of official governmental activities
9 and who is not entitled to enter the Federated States of
10 Micronesia without a permit under section 102 of this
11 chapter.

12 (5) Notwithstanding any provision of subsections (1) and
13 (2) of this section, a person entering the Federated States
14 of Micronesia for the purpose of engaging in wholesale or
15 retail sales of goods or services, or for the purpose of
16 taking orders for the purchase of goods or services, without
17 establishing a place of habitation or a place of business
18 within the Federated States of Micronesia, shall be issued a
19 salesperson's permit; PROVIDED, however, that this subsection
20 shall not apply to any person who has a foreign investor's
21 permit pursuant to subsection (7) of this section.

22 (6) An alien worker's permit shall be issued to a
23 noncitizen entering the Federated States of Micronesia upon
24 compliance with all National laws relating to private or
25 governmental employment for the period in which the

1 employment of the alien worker is authorized by contract.
2 The permit shall be renewed upon extension or renewal of the
3 alien's lawful employment status.

4 (7) A foreign investor's entry permit shall be issued for a
5 specified duration and may be renewed upon renewal or
6 extension of such foreign investor's business permit.

7 (8) A researcher's entry permit shall be issued for
8 research in the fields of endeavor that the President deems
9 in the best interest of and for the well-being of the
10 citizens of the Federated States of Micronesia; [~~provided~~]
11 PROVIDED that the President receives from the researcher's
12 intended place of stay prior permission for his entry. The
13 President may attach thereto such conditions or restrictions
14 as he deems necessary.

15 (9) A missionary's permit shall be issued to a duly
16 ordained, licensed, and certified minister or clergyman.

17 (10) An entry permit shall be issued to a lawful spouse of a
18 citizen. The permit shall be revoked or shall be denied upon
19 a finding that the parties are divorced or irreconcilably
20 separated, or that the citizen-spouse is deceased. The
21 President or his designee has the authority to grant or
22 reissue the permit for indefinite duration upon a finding of
23 hardship.

24 (11) A dependent's entry permit may be issued to an
25 unmarried child, under the age of 18, of a citizen or a

1 noncitizen spouse, subject to the conditions in subsection
2 (10) of this section.

3 (12) A spouse or unmarried child under the age of eighteen
4 of any noncitizen principal listed in this section, except
5 subsection (11), may be issued an entry permit for the
6 duration of the principal's entry permit and may be renewed
7 upon renewal of the principal's entry permit."

8 Section 2. Section 104 of title 50 of the Code of the Federated
9 States of Micronesia is hereby amended to read as follows:

10 "Section 104. Entry permits - Duration; Habitual residence;
11 Change of status.

12 (1) Unless otherwise specified, all entry permits are
13 limited to one year maximum period, with provision for
14 renewal; except that, entry permits may be issued for a
15 period not to exceed 5 years for citizens and nationals of
16 the United States of America who have resided in the
17 Federated States of Micronesia for at least 15 years.

18 (2) A noncitizen who remains in the Federated States of
19 Micronesia as a visitor under section 103(1) of this chapter
20 for [~~1~~] one year or more shall be classified as a habitual
21 resident. A habitual resident may be present in the
22 Federated States of Micronesia only for 30 day visits as
23 permitted by section 103(1) of this chapter or for a longer
24 period of time as permitted by section 103(2), (3), (4), (5),
25 (6), (7), (8), (9), (10), (11) or (12) of this chapter.

1 (3) The immigration status of any noncitizen entering or
2 residing in the Federated States of Micronesia may not be
3 changed during his stay in the Federated States of
4 Micronesia, except upon written authorization by the
5 President or his designee. For the noncitizen to change
6 status, he shall be required to leave the jurisdiction of the
7 Federated States of Micronesia and return to his country of
8 origin and, upon re-entry, apply for a permit reflecting his
9 changed status. Departure from the jurisdiction of the
10 Federated States of Micronesia is required in addition to,
11 and not as a substitute for, any requirements of the desired
12 new status. The President may impose conditions for such
13 change of status. Marriage to an FSM citizen is not a basis
14 for waiving the requirements of this section."

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1 Section 3. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

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5 Date: _____ Introduced by: _____
6 Peter M. Christian

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