A BILL FOR AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended, by amending sections 103 and 104 of chapter 1, and for other purposes.

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

Section 1. Section 103 of title 50 of the Code of the Federated States of Micronesia, as amended by Public Law No. 10-14 and Public No. Law 12-65, is hereby further amended to read as follows:

"Section 103. Entry permits - Types.

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

(2) A visitor's permit for any lawful purpose, including performance of necessary services on a short-term contractual basis, may be issued for a period of specified duration reflecting the time necessary to accomplish the purpose."
(3) A student permit shall be issued for a specified duration reflecting a student's enrollment in a school or educational program.

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

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

(6) An alien worker's permit shall be issued to a noncitizen entering the Federated States of Micronesia upon compliance with all National laws relating to
private or governmental employment for the period in which the employment of the alien worker is authorized by contract. The permit shall be renewed upon extension or renewal of the alien's lawful employment status.

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

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

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

(10) An entry permit shall be issued to a lawful spouse of a citizen.

(a) A spouse permit issued pursuant to this section shall entitle the holder to undertake paid employment in the Federated States of Micronesia. A spouse may undertake paid employment without obtaining a change of status approval pursuant to section 104 of this chapter, however, such employment must be obtained
in accordance with the requirements for hiring non-
resident workers contained in title 51 of the FSM Code.

(b) [ (a) ] A spouse permit may be revoked or denied, in
accordance with the provisions of this chapter, upon a
finding that (i) the parties are divorced, the parties
are irreconcilably separated, or the citizen-spouse is
deceased; and (ii) the revocation or denial is in the
best interests of the Federated States of Micronesia.

(c) [ (b) ] Except in extraordinary circumstances, no
action to revoke or deny a spouse permit on the grounds
of death of the citizen-spouse shall be taken for a
period of six months from the date of death of the
citizen-spouse.

(11) A dependent's entry permit may be issued to an
unmarried child, under the age of 18, of a citizen or a
noncitizen spouse, subject to the conditions in
subsection (10) of this section.

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

Section 2. Section 104 of title 50 of the Code of the
Federated States of Micronesia, as amended by Public Law No. 12-
65, is hereby further amended to read as follows:

"Section 104. Entry permits – Duration; Habitual residence; Change of status.

(1) Duration. Unless otherwise specified, all entry permits are limited to one year maximum period, with provision for renewal; except that, entry permits may be issued for a period not to exceed 5 years: (a) for citizens and nationals of the United States of America who, immediately prior to issuance of the permit, have resided continuously in the Federated States of Micronesia for at least 5 years; and (b) for individuals renewing spouse permits issued pursuant to subsection 103(10) of this chapter.

(2) Habitual residence.

(a) A noncitizen who remains in the Federated States of Micronesia as a visitor under section 103(1) of this chapter for one year or more shall be classified as a habitual resident.

(b) A habitual resident may be present in the Federated States of Micronesia only for 30 day visits as permitted by section 103(1) of this chapter or for a longer period of time as permitted by section 103(2), (3), (4), (5), (6), (7), (8), (9), (10), (11) or (12) of this chapter.

(3) Change of Status.
(a) The immigration status of a noncitizen entering the Federated States of Micronesia as a visitor under section 103(1) or 103(2) of this chapter may not be changed during his stay in the Federated States of Micronesia. The immigration status of any noncitizen entering or residing in the Federated States of Micronesia under any other provision of this chapter may not be changed during his stay in the Federated States of Micronesia, except in accordance with the provisions of this title.

(b) For a noncitizen to change status, he shall be required to apply for a permit reflecting his changed status and pay a fee, except that citizens and nationals of the United States of America, for the duration of the Compact of Free Association, and citizens and nationals of the Republic of the Marshall Islands or the Republic of Palau shall not be required to pay a fee to change immigration status.

(c) The amount of the fee required by subsection (b) of this section, which shall not be less than $1,000, and the circumstances under which a change in immigration status may be granted shall be set forth in regulations issued pursuant to section 102(1) of title 17 of the Code of the Federated States of Micronesia. Payment of such fee is required in addition to, and not
as a substitute for, any requirements of the desired new status.

(d) The President may impose additional conditions for such change of status.

(4) Waiver. The provisions of this section shall not be waived by the President or his designee."

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

Date: 5/18/05

Introduced by: /s/ Dion G. Neth

Dion G. Neth