

STANDING COMMITTEE REPORT NO. 14-63

RE: C.B. NO. 14-30/JGO

SUBJECT: SPOUSE ENTRY PERMITS

SEPTEMBER 27, 2005

The Honorable Peter M. Christian
Speaker, Fourteenth Congress
Federated States of Micronesia
Second Regular Session, 2005

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations ("J&GO"), to which was referred C.B. No. 14-30 entitled:

"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.",

begs leave to report as follows:

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

The subject bill is intended to improve the position of the spouses of FSM citizens residing in the FSM.

Under the current law, spouses of FSM citizens are entitled to reside in the FSM. However, spouse entry permits must be renewed every 12 months and do not allow the holder to undertake paid employment. Your Committee is concerned that the current conditions that attach to spouse entry permits may lead to unreasonable hardship and inconvenience for non-citizen spouses and their Micronesian families.

The subject bill is intended to address these concerns by permitting individuals holding spouse permits to undertake paid employment and by enabling the Division of Immigration and Labor ("Immigration") to issue spouse permits that are valid for up to 5 years.

Your Committee has consulted with Immigration and has been advised that it supports the intent of the subject bill, but recommends some minor adjustments. In particular, Immigration has recommended that only individuals who have resided in the FSM or been married to an FSM citizen for a given period of time should be eligible to work while residing in the FSM under a spouse permit. It is anticipated that this change would deter false marriages simply to obtain the benefit. In addition, Immigration has suggested that the amendment to section 104 offers a convenient opportunity to delete obsolete language

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relating to US citizens from that section.

Your Committee has given careful consideration to the recommendations of Immigration and therefore recommends the following changes as amendments to C.B. No. 14-30:

1. Page 3, lines 20 to 22 - delete "A spouse permit issued pursuant to this section shall entitle the holder to undertake paid employment in the Federated States of Micronesia." and insert "Subject to this section and any requirements set out in regulations issued pursuant to section 111 of this chapter, a spouse permit holder shall be permitted to undertake paid employment in the Federated States of Micronesia. In the absence of any regulations on this subject, a spouse permit holder shall be permitted to undertake paid employment in the Federated States of Micronesia only if he or she has been a resident of the Federated States of Micronesia for the 5 years prior to commencing employment and/or has been married to a citizen of the Federated States of Micronesia for the 5 years prior to commencing employment." in lieu thereof.
2. Page 3, lines 22 and 23 - delete "A spouse" and insert "For the avoidance of doubt, a spouse permit holder" in lieu thereof.
3. Page 5, lines 7 to 11 - delete ": (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)".

With the foregoing amendments, your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 14-30 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. 14-30, CD1.

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Respectfully submitted,

/s/ Dohsis Halbert
Dohsis Halbert, chairman

/s/ Roosevelt D. Kansou
Roosevelt D. Kansou, vice
chairman

/s/ Alik L. Alik
Alik L. Alik, member

/s/ Tiwiter Aritos
Tiwiter Aritos, member

Peter M. Christian, member

Moses A. Nelson, member

/s/ Ramon Peyal
Ramon Peyal, member