A BILL FOR AN ACT

To amend title 50 of the Code of the Federated States of Micronesia, as amended, by further amending section 103, as amended by Public Laws Nos. 10-14, 12-65, 14-33, and 15-27, for the purpose of allowing an entry permit for certain individuals who wish to substantially invest in the Federated States of Micronesia, 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 Laws Nos. 10-14, 12-65, 14-33, and 15-27, 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.
An entry permit shall be issued to a lawful spouse of a citizen. (a) 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. For the avoidance of doubt, a spouse permit holder 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 Code of the Federated States of Micronesia. 

(b) 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,
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, provided that the spouse permit of a noncitizen surviving spouse of a deceased citizen who had been married to the citizen spouse for at least twenty (20) years, regardless of place of residence during the marriage, shall not be revoked or denied unless the surviving spouse remarries a non-citizen.

(c) 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.

(13) A welcomed retiree permit shall be issued
to any person over the age of 60 who has invested a substantial sum in the Federated States of Micronesia.

(a) For purposes of this subsection, 'substantial sum' means one million or more United States Dollars.

(b) In the case of a lawfully married couple, the investment of each spouse may be attributed to the principal investor spouse for purposes of satisfying the substantial sum threshold of this subsection.

(c) A qualifying investment for purposes of this subsection must be ongoing and of a substantial sum at the time of issuance of the permit.

(d) A welcomed retiree permit described in this subsection shall be issued for the duration of the life of the principal investor or for the duration of an investment of a substantial sum of the principal investor, whichever is shorter.

(e) A permit issued to a spouse of the principal investor pursuant to subsection 12 of this section shall remain valid notwithstanding the death of the principal investor, so long as the investment qualifying the principal remains ongoing and of a substantial sum.
(f) Nothing in this subsection shall be construed to deny any holder of a welcomed retiree permit from investing additionally or separately in the Federated States of Micronesia and thereafter relying upon such additional or separate investment as the qualifying investment of a substantial sum."

Section 2. 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: 5/30/11

Introduced by: /s/ Isaac V. Figir

Isaac V. Figir