

STANDING COMMITTEE REPORT NO. 21-16

RE: IMMIGRATION OVERSIGHT HEARING/J&GO

SUBJECT: OVERSIGHT WITH FSM IMMIGRATION REGARDING FOREIGN
WORKERS

SEPTEMBER 18, 2019

The Honorable Wesley W. Simina
Speaker, Twentieth Congress
Federated States of Micronesia
Second Regular Session, 2019

Dear Mr. Speaker:

Your Committee on Judicial and Governmental Operations begs
leave to report as follows:

Your Committee held an oversight hearing on September 13, 2019,
with the Department of Justice and the Chief of Immigration.
The witnesses present were Chief Ricky Falcam, representing
Immigration and Vara Bulabalavu, Assistant Attorney General
representing the Department of Justice. The hearing was called
to follow up on a letter that Chairman Romolow sent on August
29, 2019, regarding foreign workers.

Chairman Romolow has received some complaints regarding the
process that foreign workers go through to obtain their work
permits, particularly workers from the Philippines. There is a
question as to whether the permit is to be issued prior to
arrival and whether documentation from the Philippines Workers
Association is being provided. Some workers are entering the
FSM on a visitors permit and then having their status changed.

A representative from Immigration testified that the employer
identifies the foreign worker employee, then immigration reviews
the application, if approved, the employee gets a permit to
travel to the FSM.

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SEPTEMBER 18, 2019

Chairman Romolow asked how workers from the Philippines are able to enter with a work permit while the ban is still in place. The representative from Immigration testified he does not know how, but the Philippines is approving some workers to enter the FSM as workers. He also testified that visitors from the Philippines are not allowed to enter as visitors and change their status. Chairman Romolow indicated he has been made aware of two cases that this has occurred in Chuuk. The representative from immigration indicated they will investigate internally, but this should not be happening.

Chairman Romolow expressed his concern that workers from the Philippines appear to be getting around the ban by filing for change of status after they arrive in the FSM. The representative from the Department of Justice indicated that the only way a worker can enter with a one-way ticket is if they have a work permit, otherwise a round trip ticket is required. She indicated they will have to investigate the cases Chairman Romolow mentioned. She also stated that the Philippines Government would not allow people to leave on a one-way ticket.

Chairman Romolow questioned how immigration would not be aware of requests to change status and the representative from the Department of Justice said they do not have any specific information until they investigate the cases. Chairman Romolow advised that he has sent a letter requesting this be investigated last month and the purpose of the hearing was to discuss their investigation.

Senator Urusemal indicated that the laws are clear, when a foreign worker wants to change employers, they must pay a \$1,000 penalty. He encouraged an immediate investigation into the cases in Chuuk. He also expressed concern that some workers are entering the FSM by boat after being dropped off on the outer islands of Yap.

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Chairman Romolow noted that there are at least two specific cases referenced in his letter. He requested an update on those cases. Both representatives from the Department of Justice and Immigration indicated they had not seen the letter.

Chairman Romolow also questioned whether applicants who apply to change employers are required to have an endorsement from their previous employer. The representative from immigration indicated this was not a requirement in regulation, but it was a policy. The representative from the Department of Justice indicated the only requirement to change employers was the payment of \$1,000, there was no requirement for an endorsement from the previous employer. Senator Urusemal indicated that it was not fair for the original employer to pay for the foreign worker to come to the FSM, and then for the foreign worker to be able to change employers, thus leaving the original employer having paid for the ticket, but not having the employee.

All parties were in agreement that these cases need to be investigated as soon as possible.

A brief discussion was held regarding the processing of passports for overseas citizens. Chairman Romolow indicated that he had worked previously in the consular office in Guam, and that the consular office workers do not know anything about immigration law. He indicated that he felt the passport officer should be someone with experience in immigration. An issue was raised by Foreign Affairs when the positions were requested and it remains unresolved. The Department of Foreign Affairs indicated the passport officers had to be employed through their office, otherwise they would not be given protections under the Vienna Convention. Chairman Romolow pointed out that as long as the person has immigration experience, it should not matter that they are employed through Foreign Affairs. He indicated that there is currently a backlog and having a passport worker at the

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embassies and consular offices should help to alleviate this. Chief Falcam indicated that it is immigration's job to process the passports and he also believes that having passport officers will help with the backlog. He indicated that the plan was to have someone on the ground that can answer questions and help with preparing the applications. Then, the passport officer can receive payment and electronically forward all of the information so that the passport can be issued. There was some discussion about having the equipment in the overseas offices so they can issue the passports directly, but it was decided that was a policy discussion for another time.

If you require any additional information or clarification, please feel free to let me know how I can assist further.

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Respectfully submitted,

/s/ Robson U. Romolow
Robson U. Romolow, chairman

/s/ Peter M. Christian
Peter M. Christian, vice chairman

/s/ Tiwiter Aritos
Tiwiter Aritos, member

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

/s/ Ferny S. Perman
Ferny S. Perman, member

/s/ Wesley W. Simina
Wesley W. Simina, member

/s/ Paliknoa K. Welly
Paliknow K. Welly, member