

J & G

A BILL FOR AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended, by adding new sections 120 through 124 of Chapter 1, and by amending section 202, for the purpose of creating the status of permanent resident alien and specifying certain rights pertaining thereto, and for other purposes.

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

1 Section 1. Title 50 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by adding a new
3 section 120 of chapter 1 to read as follows:

4 "Section 120. Permanent resident aliens.

5 (1) The President, on Congress's recommendation by
6 bill, may grant a noncitizen the status of permanent
7 resident alien in the Federated States of Micronesia in a
8 manner or form prescribed by law or regulation if:

9 (a) the noncitizen shall have lawfully resided
10 within the Federated States of Micronesia for at least
11 five (5) years immediately preceding the date of filing
12 his petition for permanent resident alien status, or
13 shall be a national of the Federated States of
14 Micronesia, and shall be of good moral character; and

15 (b) the noncitizen's petition for permanent
16 resident alien status is supported by a resolution from
17 the legislature of at least one of the States of the
18 Federated States of Micronesia.

19 (2) An application for permanent resident alien status,
20 pursuant to this section, may be denied on any of the
21 grounds set forth in subsection (2) of section 123 of
22 this title.

23 (3) An application for permanent resident alien status
24 pursuant to this section shall not be subject to
25 subsection (3) of section 104 of this title."

1 Section 2. Title 50 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by adding a new
3 section 121 of chapter 1 to read as follows:

4 "Section 121. Children and spouses of permanent resident
5 aliens. Upon application, the spouse and minor children
6 of a permanent resident alien, whether by birth or legal
7 adoption, shall be granted derivative permanent resident
8 alien status in a manner prescribed by law or regulation.

9 (1) Such derivative status shall terminate upon the
10 following conditions:

11 (a) termination or cancellation of the permanent
12 resident alien status of the person on whose status the
13 minor child or spouse's status is derived;

14 (b) the attainment of age eighteen by a minor
15 child whose status is derived from a parent who is a
16 permanent resident alien;

17 (c) the dissolution of the marriage, where status
18 is derived from marriage to a permanent resident alien;

19 (2) An application for permanent resident alien status
20 pursuant to this section may be denied on any of the
21 grounds set forth in subsection (2) of section 123 of
22 this title.

23 (3) An application for permanent resident alien status
24 pursuant to this section shall not be subject to
25 subsection (3) of section 104 of this title."

J 1/2 GD

1 Section 3. Title 50 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by adding a new
3 section 122 of chapter 1 to read as follows:

4 "Section 122. Permanent resident alien's rights and
5 duties. The rights and duties of persons who have become
6 permanent resident aliens of the Federated States of
7 Micronesia, pursuant to sections 120 and 121 of this
8 title, shall be the same as those of persons who are
9 citizens of the Federated States of Micronesia, except as
10 otherwise provided in the Constitution of the Federated
11 States of Micronesia, and further provided that permanent
12 resident aliens may not vote in elections or hold
13 elective public office in the Federated States of
14 Micronesia."

15 Section 4. Title 50 of the Code of the Federated States of
16 Micronesia, as amended, is hereby further amended by adding a new
17 section 123 of chapter 1 to read as follows:

18 "Section 123. Termination or cancellation.

19 (1) Termination. Permanent resident alien status
20 granted pursuant to section 120 and 121 of this title,
21 shall terminate on the occurrence of one of the following
22 events:

23 (a) the permanent resident alien's departure from
24 the Federated States of Micronesia with the intent to
25 remain away from the Federated States of Micronesia

indefinitely. Such intent shall be presumed in cases where the permanent resident alien has departed from the Federated States of Micronesia without first filing a notice of intent to return with the Chief of the Division of Immigration and Labor, and has remained outside of the Federated States of Micronesia continuously for more than one year;

(b) termination or cancellation of the permanent resident alien status of the person on whose status the the minor child or spouse's status is derived;

(c) attainment of the age of eighteen by a minor child whose status is derived from a parent who is a permanent resident alien; or

(d) dissolution of the marriage, where status is derived from marriage to a permanent resident alien.

(2) Cancellation. Permanent resident alien status may be cancelled under the following circumstances:

(a) within 5 years of discovery that the status was obtained through concealment of a material fact or willful misrepresentation in applying for the status. Cancellation shall be by court order;

(b) the advocacy of the unlawful overthrow of the Government of the Federated States of Micronesia;

(c) the commission of or attempt or preparation to commit an act of treason or armed insurrection against

J & GD

1 the Government of the Federated States of Micronesia, or
2 conspiring with or abetting or aiding another to commit
3 such an act;

4 (d) deliberate unauthorized disclosure of
5 confidential Government information;

6 (e) serious mental irresponsibility evidenced by
7 having been adjudged insane or mentally irresponsible or
8 incompetent, or being a chronic alcoholic, or having been
9 treated for serious mental or neurological disorders or
10 for chronic alcoholism;

11 (f) addiction to the use of narcotic drugs;

12 (g) carrying a serious communicable disease;

13 (h) conviction of a felony or a crime involving
14 moral turpitude; or

15 (i) voting or attempting to vote in a public
16 election in the Federated States of Micronesia.

17 (3) Procedure.

18 (a) Except as otherwise provided herein,
19 termination of permanent resident alien status shall be
20 effective automatically upon the occurrence of any of the
21 events set forth in subsection 1 of this section.

22 (b) Except as otherwise provided herein,
23 cancellation of permanent resident alien status shall be
24 pursuant to administrative procedures established by
25 regulations which shall be issued within sixty (60) days

1 of the effective date of this act by the President of the
2 Federated States of Micronesia, upon the recommendation
3 of the Chief of the Division of Immigration and Labor
4 after consultation with and concurrence by the Secretary
5 of Justice of the Federated States of Micronesia."

6 Section 5. Title 50 of the Code of the Federated States of
7 Micronesia, as amended, is hereby further amended by adding a new
8 section 124 of chapter 1 to read as follows:

9 "Section 124. Appeals. Except in the case of
10 cancellation under section 123(1)(a) of this act, any
11 person aggrieved by the termination or cancellation of
12 his or her permanent resident alien status may appeal
13 that action by filing with the local Immigration Office
14 or with the Chief of the Division of Immigration and
15 Labor a written notice of appeal within fourteen (14)
16 calendar days of the action appealed. The local
17 Immigration Office or the Chief, as applicable, shall,
18 within fourteen (14) calendars days of receipt thereof,
19 investigate and refer the matter to the Attorney General,
20 along with a written report of findings. The Attorney
21 General, or his or her designee shall, upon written
22 request and within thirty (30) days of receipt of the
23 written findings, schedule a hearing at which the
24 aggrieved party shall have a right to a full explanation
25 of the reasons for the action and a right to present

J 1/4 GS

1 witnesses and other evidence showing that the action was
2 incorrect, mistaken, illegal, or not in accordance with
3 the law. That decision shall be final for the
4 Administration."

5 Section 6. Title 50 of the Code of the Federated States of
6 Micronesia, as amended, is hereby further amended by adding a new
7 section 125 of chapter 1 to read as follows:

8 "Section 125. Penalties. Any person who obtains
9 permanent resident alien status through concealment of a
10 material fact or willful misrepresentation in applying
11 for such status, upon conviction thereof, shall be
12 imprisoned for a period of not more than two years, or
13 fined not more than \$10,000, or both."

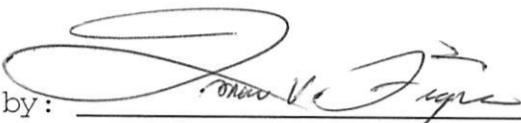
14 Section 7. Section 202 of chapter 2 of title 50 of the Code of
15 the Federated States of Micronesia is hereby amended to read as
16 follows:

17 "Section 202. Persons entitled to passports.
18 No passport shall be granted to any person other than a
19 citizen of the Federated States of Micronesia or a person
20 with permanent resident alien status pursuant to section
21 120 or 121 of this title."

22
23
24
25

1 Section 8. 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.

4
5 Date: Jan. 24, 2000

6 Introduced by: 
7
8 Isaac V. Figir

9
10 
11
12 Jacob Nena

13
14
15
16
17
18
19
20
21
22
23
24
25