TWELFTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND REGULAR SESSION, 2001 C.B. NO. 12-54

A BILL FOR AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended, by enacting 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:

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

"Section 120. Permanent resident aliens.

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

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

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

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

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

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

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

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

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

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

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

(2) An application for permanent resident alien status

pursuant to this section may be denied on any of the grounds set forth in subsection (2) of section 123 of this title.

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

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

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

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

"Section 123. Termination or cancellation.

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

(a) the permanent resident alien's departure from the Federated States of Micronesia with the intent to 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 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 the Government of the Federated States of Micronesia, or conspiring with, abetting, or aiding another to commit such an act;

(d) deliberate unauthorized disclosure of confidential Government information;

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

(f) addiction to the use of narcotic drugs;

(g) carrying a serious communicable disease;

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

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

(3) *Procedure*.

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

(b) Except as otherwise provided herein, cancellation of permanent resident alien status shall be pursuant to

administrative procedures established by regulations which shall be issued within sixty (60) days of the effective date of this act by the President of the Federated States of Micronesia, upon the recommendation of the Chief of the Division of Immigration and Labor after consultation with and concurrence by the Secretary of Justice of the Federated States of Micronesia."

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

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

the action and a right to present witnesses and other evidence showing that the action was incorrect, mistaken, illegal, or not in accordance with the law. That decision shall be final for the Administration."

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

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

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

"Section 202. Persons entitled to passports.

No passport shall be granted to any person other than a citizen of the Federated States of Micronesia or a person with permanent resident alien status pursuant to section 120 or 121 of this title."

Section 8. 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: _____ Introduced by: _____
Isaac V. Figir

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Jacob Nena