

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.

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

1           Section 1.   Section 103 of title 50 of the Code of the  
2 Federated States of Micronesia, as amended by Public Law No. 10-14  
3 and Public No. Law 12-65, is hereby further amended to read as  
4 follows:

5                   "Section 103.   Entry permits - Types.

6                   (1) A permit is not required for a person visiting for  
7 thirty days or less. For a visit in excess of thirty  
8 days, a permit may be issued for an additional period  
9 not to exceed sixty days; except that, with respect to  
10 citizens and nationals of the United States of America,  
11 for the effective period of the Compact of Free  
12 Association, and with respect to citizens and nationals  
13 of the Republic of the Marshall Islands and the Republic  
14 of Palau, a permit is not required for the duration of  
15 the visit, which shall not exceed 365 days.

16                   (2) A visitor's permit for any lawful purpose,  
17 including performance of necessary services on a short-  
18 term contractual basis, may be issued for a period of  
19 specified duration reflecting the time necessary to  
20 accomplish the purpose.

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1           (3) A student permit shall be issued for a specified  
2 duration reflecting a student's enrollment in a school  
3 or educational program.

4           (4) A foreign government official's permit may be  
5 issued to any official, employee, or contractual  
6 personnel of a foreign government or governmental  
7 regional or international organization who wishes to  
8 enter the Federated States of Micronesia for purposes of  
9 official governmental activities and who is not entitled  
10 to enter the Federated States of Micronesia without a  
11 permit under section 102 of this chapter.

12           (5) Notwithstanding any provision of subsections (1)  
13 and (2) of this section, a person entering the Federated  
14 States of Micronesia for the purpose of engaging in  
15 wholesale or retail sales of goods or services, or for  
16 the purpose of taking orders for the purchase of goods  
17 or services, without establishing a place of habitation  
18 or a place of business within the Federated States of  
19 Micronesia, shall be issued a salesperson's permit;  
20 PROVIDED, however, that this subsection shall not apply  
21 to any person who has a foreign investor's permit  
22 pursuant to subsection (7) of this section.

23           (6) An alien worker's permit shall be issued to a  
24 noncitizen entering the Federated States of Micronesia  
25 upon compliance with all National laws relating to

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1 private or governmental employment for the period in  
2 which the employment of the alien worker is authorized  
3 by contract. The permit shall be renewed upon extension  
4 or renewal of the alien's lawful employment status.

5 (7) A foreign investor's entry permit shall be issued  
6 for a specified duration and may be renewed upon renewal  
7 or extension of such foreign investor's business permit.

8 (8) A researcher's entry permit shall be issued for  
9 research in the fields of endeavor that the President  
10 deems in the best interest of and for the well-being of  
11 the citizens of the Federated States of Micronesia;  
12 PROVIDED that the President receives from the  
13 researcher's intended place of stay prior permission for  
14 his entry. The President may attach thereto such  
15 conditions or restrictions as he deems necessary.

16 (9) A missionary's permit shall be issued to a duly  
17 ordained, licensed, and certified minister or clergyman.

18 (10) An entry permit shall be issued to a lawful spouse  
19 of a citizen.

20 (a) A spouse permit issued pursuant to this  
21 section shall entitle the holder to undertake paid  
22 employment in the Federated States of Micronesia. A  
23 spouse may undertake paid employment without obtaining a  
24 change of status approval pursuant to section 104 of  
25 this chapter, however, such employment must be obtained

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1           in accordance with the requirements for hiring non-  
2           resident workers contained in title 51 of the FSM Code.

3           (b) [-(a)] A spouse permit may be revoked or denied, in  
4           accordance with the provisions of this chapter, upon a  
5           finding that (i) the parties are divorced, the parties  
6           are irreconcilably separated, or the citizen-spouse is  
7           deceased; and (ii) the revocation or denial is in the  
8           best interests of the Federated States of Micronesia.

9           (c) [-(b)] Except in extraordinary circumstances, no  
10          action to revoke or deny a spouse permit on the grounds  
11          of death of the citizen-spouse shall be taken for a  
12          period of six months from the date of death of the  
13          citizen-spouse.

14          (11) A dependent's entry permit may be issued to an  
15          unmarried child, under the age of 18, of a citizen or a  
16          noncitizen spouse, subject to the conditions in  
17          subsection (10) of this section.

18          (12) A spouse or unmarried child under the age of  
19          eighteen of any noncitizen principal listed in this  
20          section, except subsection (11), may be issued an entry  
21          permit for the duration of the principal's entry permit  
22          and may be renewed upon renewal of the principal's entry  
23          permit."

24          Section 2. Section 104 of title 50 of the Code of the  
25          Federated States of Micronesia, as amended by Public Law No. 12-

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1 65, is hereby further amended to read as follows:

2 "Section 104. Entry permits - Duration; Habitual  
3 residence; Change of status.

4 (1) *Duration.* Unless otherwise specified, all entry  
5 permits are limited to one year maximum period, with  
6 provision for renewal; except that, entry permits may be  
7 issued for a period not to exceed 5 years: (a) for  
8 citizens and nationals of the United States of America  
9 who, immediately prior to issuance of the permit, have  
10 resided continuously in the Federated States of  
11 Micronesia for at least 5 years; and (b) for individuals  
12 renewing spouse permits issued pursuant to subsection  
13 103(10) of this chapter.

14 (2) *Habitual residence.*

15 (a) A noncitizen who remains in the Federated  
16 States of Micronesia as a visitor under section 103(1)  
17 of this chapter for one year or more shall be classified  
18 as a habitual resident.

19 (b) A habitual resident may be present in the  
20 Federated States of Micronesia only for 30 day visits as  
21 permitted by section 103(1) of this chapter or for a  
22 longer period of time as permitted by section 103(2),  
23 (3), (4), (5), (6), (7), (8), (9), (10), (11) or (12) of  
24 this chapter.

25 (3) *Change of Status.*

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1           (a) The immigration status of a noncitizen  
2           entering the Federated States of Micronesia as a visitor  
3           under section 103(1) or 103(2) of this chapter may not  
4           be changed during his stay in the Federated States of  
5           Micronesia. The immigration status of any noncitizen  
6           entering or residing in the Federated States of  
7           Micronesia under any other provision of this chapter may  
8           not be changed during his stay in the Federated States  
9           of Micronesia, except in accordance with the provisions  
10          of this title.

11          (b) For a noncitizen to change status, he shall  
12          be required to apply for a permit reflecting his changed  
13          status and pay a fee, except that citizens and nationals  
14          of the United States of America, for the duration of the  
15          Compact of Free Association, and citizens and nationals  
16          of the Republic of the Marshall Islands or the Republic  
17          of Palau shall not be required to pay a fee to change  
18          immigration status.

19          (c) The amount of the fee required by subsection  
20          (b) of this section, which shall not be less than  
21          \$1,000, and the circumstances under which a change in  
22          immigration status may be granted shall be set forth in  
23          regulations issued pursuant to section 102(1) of title  
24          17 of the Code of the Federated States of Micronesia.  
25          Payment of such fee is required in addition to, and not

1 as a substitute for, any requirements of the desired new  
2 status.

3 (d) The President may impose additional  
4 conditions for such change of status.

5 (4) *Waiver.* The provisions of this section shall not  
6 be waived by the President or his designee."

7 Section 3. This act shall become law upon approval by the  
8 President of the Federated States of Micronesia or upon its  
9 becoming law without such approval.

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11 Date: 5/18/05

Introduced by: /s/ Dion G. Neth

Dion G. Neth

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