

FIRST CONGRESS OF THE FEDERATED STATES OF MICRONESIA PUBLIC LAW NO. 1-75

SECOND REGULAR SESSION, 1979

CONGRESSIONAL BILL NO. 1-151, CD1, CD2

AN ACT

To provide for citizenship and nationality of the Federated States of Micronesia, and for other purposes.

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

1 Section 1. Short Title. This act is known and may be cited as the
2 Citizenship and Naturalization Act.

3 Section 2. Citizenship. The following are citizens of the Federated
4 States of Micronesia:

5 (1) A person who is a citizen of the Trust Territory of the
6 Pacific Islands immediately prior to the effective date of the Constitution
7 and a domiciliary of a district ratifying the Constitution of the Federated
8 States of Micronesia;

9 (2) A person born, at any time, of parents one or both of whom
10 are citizens of the Federated States of Micronesia; and

11 (3) A person who becomes a citizen pursuant to Section 4 or 5
12 of Article III of the Constitution.

13 Section 3. Dual Citizenship is Prohibited. A citizen of the Federated
14 States of Micronesia who is recognized as a citizen of another nation shall,
15 within 3 years of his 18th birthday, or within 3 years of the effective date
16 of the Constitution, whichever is later, register his intent to remain a
17 citizen of the Federated States of Micronesia with the President or his
18 designee in a manner and form prescribed by law or regulation and renounce
19 his citizenship of another nation. If he fails to comply with this Section,
20 he becomes a national of the Federated States of Micronesia.

21 Section 4. Naturalization. The President, on Congress recommendation

PUBLIC LAW NO. 1-75

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1 Micronesia in a manner or form prescribed by law or regulation if the
2 person:

3 (1) Shall have lawfully resided within the Federated States of
4 Micronesia, whether prior or subsequent to the effective date of the
5 Constitution, for at least five years immediately preceding the date of
6 filing his petition for naturalization;

7 (2) Is a child or spouse of a citizen or is a national of the
8 Federated States of Micronesia;

9 (3) Upon naturalization, shall have renounced previous citizen-
10 ship and allegiance to any and all foreign powers and rulers, and taken an
11 oath of allegiance in a manner and form prescribed by law or regulation;
12 and

13 (4) Has competence in at least one of the indigenous languages
14 of the Federated States of Micronesia evidenced by passing a language
15 examination prepared and administered by the President or his designee.

16 Section 5. Cancellation of Naturalization. The rights and duties of
17 persons who have become citizens of the Federated States of Micronesia by
18 naturalization shall be the same as those of persons who are citizens of
19 the Federated States of Micronesia except as otherwise provided by the
20 Constitution. Naturalization may be cancelled within five years of
21 discovery that naturalization was obtained through concealment of a material
22 fact or wilfull misrepresentation in applying for naturalization. Cancel-
23 lation shall be by court order. Upon cancellation of naturalization under
24 this Section, such person shall be divested of all real property obtained
25 in the Federated States of Micronesia and be provided just compensation for

1 such property. Disposition of such property shall be in accordance with
2 law.

3 Section 6. Loss of Citizenship. No citizen of the Federated States
4 of Micronesia may be deprived of his citizenship unless subsequent to
5 attaining such citizenship:

6 (1) He shall voluntarily obtain naturalization in a foreign
7 state upon his own application;

8 (2) He shall voluntarily take an oath or make an affirmation or
9 other formal declaration of allegiance to a foreign state or political
10 subdivision thereof;

11 (3) He shall voluntarily enter, or serve in, the armed forces of
12 a foreign state, provided however, that he may serve in the armed forces of
13 the United States of America without loss of citizenship during the remainder
14 of the Trusteeship Agreement, any future relationship of Free Association
15 with the United States, and thereafter as may be required by his prior
16 enlistment or contract;

17 (4) He shall vote in a political election in a foreign state
18 where a prerequisite to such a vote is citizenship of that foreign state; or

19 (5) He shall, if over eighteen years of age, voluntarily make a
20 formal renunciation of the Federated States of Micronesia citizenship.

21 Whenever the loss of Federated States of Micronesia citizenship is put in
22 issue in any action or proceeding, the person or party claiming that such
23 loss occurred must establish such claim by a preponderance of the evidence.

24 Section 7. Passports and Travel Documents. Every citizen and national
25 of the Federated States of Micronesia shall be entitled to a passport.

1 Passports and other travel documents shall be issued in a manner and form
2 prescribed by law or regulation, and may be issued to non-citizens.

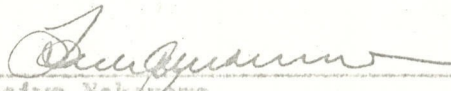
3 Section 8. Regulations. The President may, ~~from time to time~~, issue
4 such regulations as are reasonably necessary to implement the provisions of
5 this act.

6 Section 9. Penalties. Any person who obtains naturalization through
7 concealment of a material fact or wilfull misrepresentation in applying for
8 naturalization, upon conviction thereof, shall be imprisoned for a period
9 of not more than two years or fined not more than ten thousand dollars, or
10 both.

11 Section 10. Repeal. Section 2 of Title 53 of the Trust Territory Code
12 is hereby repealed in its entirety.

13 Section 11. Effective Date. This act shall take effect upon its
14 approval by the President of the Federated States of Micronesia, or upon
15 its becoming law without such approval, except Sections 4 and 5 shall take
16 effect upon termination of the Trusteeship Agreement and Section 9 shall take
17 effect upon the enactment of statutes in the Marshall Islands and Palau to
18 repeal Section 2 of Title 53 of the Trust Territory Code.

21 December 21, 1979

24 
Tosiwo Nakayama
President
Federated States of Micronesia