
AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended, by further amending section 104, as amended by Public Laws Nos. 5-105 and 7-23, and to amend title 51 of the Code of the Federated States of Micronesia, by amending section 142, for the purpose of imposing a fee upon employers hiring nonresident workers, and removing the requirement that noncitizens leave the FSM in order to change employment status, and to substitute a fee in lieu thereof, and for other purposes.

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

1 Section 1. Section 104 of title 50 of the Code of the
2 Federated States of Micronesia, as amended by Public Laws Nos.
3 5-105 and 7-23, is hereby further amended to read as follows:

4 "Section 104. Entry permits - Duration; Habitual
5 residence; Change of status.

6 (1) Unless otherwise specified, all entry
7 permits are limited to one year maximum period with
8 provision for renewal.

9 (2) A noncitizen who remains in the Federated
10 States of Micronesia as a visitor under section
11 103(1) for one year or more shall be classified as a
12 habitual resident. A habitual resident may be
13 present in the Federated States of Micronesia only
14 for 30 day visits as permitted by section 103(1) of
15 this chapter or for a longer period of time as
16 permitted by subsection (2), (3), (4), (5), (6),
17 (7), (8), (9), (10), (11) or (12) of section 103 of
18 this chapter.

19 (3) The immigration status of any noncitizen
20 entering or residing in the Federated States of
21 Micronesia may not be changed during his stay in the
22 Federated States of Micronesia except upon written

1 authorization by the President or his designee.

2 (a) For a noncitizen present in the
3 Federated States of Micronesia pursuant to the
4 provisions of section 103(6) to change status, he
5 shall pay a fee of \$1,000.00, upon receipt of which
6 the President or his designee shall issue to such
7 noncitizen a permit reflecting his changed status.
8 The fee requirement may not be waived by the
9 President or the President's designee.

10 (b) For any other noncitizen to change
11 status, such noncitizen may be required to leave the
12 jurisdiction of the Federated States of Micronesia
13 and return to his country of origin and upon re-
14 entry apply for a permit reflecting his changed
15 status. Departure from the jurisdiction of the
16 Federated States of Micronesia is required in
17 addition to, and not as a substitute for, any
18 requirements of the desired new status. The
19 President, or the President's designee, may for good
20 cause shown waive the requirement of departure from
21 the jurisdiction of the Federated States of
22 Micronesia.

23 (c) Employment entered into by a
24 noncitizen after a period of unemployment shall be
25 deemed a change in status under the provisions of

1 this section. The employer may pay the fee
2 specified in subsection (a) of this section where
3 the noncitizen's change in status constitutes either
4 a change of employment or a change from unemployed
5 to employed status.

6 (d) The President may impose additional
7 conditions for such change of status.

8 (e) Marriage to an FSM citizen is not a
9 basis for waiving the requirements of this section.

10 (f) Noncitizens entering into employment
11 with the National Government, a State Government, or
12 as an instructor in any public or non-public
13 primary, secondary or post-secondary school shall be
14 exempt from the requirement to pay the fee under
15 subsection (a) of this section."

16 Section 2. Section 142 of title 51 of the Code of the
17 Federated States of Micronesia is hereby amended to read as
18 follows:

19 "Section 142. Change of employment.

20 No nonresident worker who is under a labor contract
21 with an employer shall work for or be employed by
22 any other employer during the term of such contract.
23 Before a nonresident worker can work for or be
24 employed by an employer different than his previous
25 employer, he shall first be required to comply with

1 the provisions of section 104 of title 50 of this
2 code."

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

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Jacob Nena
President
Federated States of Micronesia