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TENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND REGULAR SESSION, 1997

C.B. NO. 10-170

A BILL FOR AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended, by further amending section 103, as amended by Public Law Nos. 5-54 and 5-105, by further amending section 104, as amended by Public Law Nos. 5-105 and 7-23, to further amend title 51 of the Code of the Federated States of Micronesia, as amended by Public Law Nos. 4-72 and 4-110, by amending section 112 for the purpose of creating a permanent resident entry permit status with immediate work authorization for lawful spouses and children of citizens of the Federated States of Micronesia, citizens of the United States, and non-citizens who have resided in the Federated States of Micronesia for a ten-year period, 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 Nos.
3 5-54, 5-105 and 10-14 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
7 for thirty days or less. For a visit in excess of
8 thirty days a permit may be issued for an additional
9 period not to exceed sixty days; except that, with
10 respect to citizens and nationals of the United States
11 of America, for the effective period of the Compact of
12 Free Association, a permit may be issued for a period
13 not to exceed three years, subject to renewal, and with
14 respect to citizens and nationals of the Republic of the
15 Marshall Islands and the Republic of Palau, a permit may
16 be issued for the duration of the visit which shall not
17 exceed 365 days.

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

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

24 (6) An alien worker's permit shall be issued to a
25 noncitizen entering the Federated States of Micronesia

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

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

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

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

20 (10) (a) ~~A~~ permanent resident entry permit shall be
21 issued to a non-citizen who:

22 (i) is a lawful spouse or lawful child of a
23 citizen. The permit shall be revoked or shall be
24 denied upon a finding that the parties are divorced or
25 irreconcilably separated, or that the citizen-spouse is

1 deceased. The President or his designee has the
2 authority to grant or reissue the permit for indefinite
3 duration upon a finding of hardship.

4 (ii) is a citizen of the United States; or
5 (iii) has, for a continuous ten-year period
6 immediately prior to the date of application for
7 permanent resident status, established the Federated
8 States of Micronesia as his principal place of
9 residence or domicile or has continuously resided in
10 the Federated States of Micronesia. The lawful, minor
11 children of a non-citizen who is issued a permanent
12 resident entry permit shall be issued a permanent
13 resident entry permit.

14 (b) Upon the issuance of a permanent resident entry
15 permit, lawful employment status shall be conferred
16 upon such non-citizen who shall be immediately
17 entitled to work authorization. ~~The permit shall be~~
18 ~~replied or shall be denied upon a finding that the~~
19 ~~parties are divorced or irreconcilably separated, or~~
20 ~~that the citizen-spouse is deceased. The President or~~
21 ~~his designee has the authority to grant or reissue the~~
22 ~~permit for indefinite duration upon a finding of~~
23 ~~hardship.~~

24 (c) A permanent resident entry permit shall be
25 limited to a three-year period with provision for

1 renewal.

2 (11) A dependent's entry permit may be issued to an
3 unmarried child, under the age of eighteen, of a citizen
4 or a noncitizen spouse subject to the conditions in
5 subsection (10) of this section.

6 (12) A spouse or unmarried child under the age of
7 eighteen of any noncitizen principal listed in this
8 section except subsection (11) may be issued an entry
9 permit for the duration of the principal's entry permit
10 and may be renewed upon renewal of the principal's entry
11 permit."

12 Section 2. Section 104 of title 50 of the Code of the
13 Federated States of Micronesia, as amended by Public Law Nos.
14 5-105 and 7-23, is hereby further amended to read as follows:

15 "Section 104. Entry permits - Duration; Habitual
16 residence; Change of status.

17 (1) Unless otherwise specified, all entry permits
18 are limited to one year maximum period with provision
19 for renewal.

20 Except for citizens of the United States, ~~A~~ a
21 noncitizen who remains in the Federated States of
22 Micronesia as a visitor under section 103(1) for 1 year
23 or more shall be classified as a habitual resident. A
24 habitual resident may be present in the Federated States
25 of Micronesia only for 30 day visits as permitted by

1 section 103(1) of this chapter or for a longer period of
2 time as permitted by section 103 (1), (2), (3), (4),
3 (5), (6), (7), (8), (9), (10), (11) or (12) of this
4 chapter. The immigration status of any noncitizen
5 entering or residing in the Federated States of
6 Micronesia may not be changed during his stay in the
7 Federated States of Micronesia except upon written
8 authorization by the President or his designee. For
9 the noncitizen to change status, he shall be required
10 to leave the jurisdiction of the Federated States of
11 Micronesia and return to his country of origin and upon
12 re-entry apply for a permit reflecting his changed
13 status., except that in the case of a noncitizen who
14 seeks to change his status to that of a permanent
15 resident, this requirement shall not apply. Departure
16 from the jurisdiction of the Federated States of
17 Micronesia is required in addition to, and not as a
18 substitute for, any requirements of the desired new
19 status. The President may impose conditions for such
20 change of status. ~~Marriage to an FSM citizen is not a~~
21 ~~basis for waiving the requirements of this section."~~

22 Section 3. Section 112 of title 51 of the Code of the
23 Federated States of Micronesia is hereby amended to read as follows:

24 "Section 112. Definitions. For the purposes of this
25 chapter, unless it is otherwise provided or the context

1 requires a different construction, application, or
2 meaning:

3 (1) "Available" means able to be on the island on
4 which the employer desires workers on the date the
5 employer states the workers are desired.

6 (2) "Chief" means the chief of the Division of
7 Labor within the Department of Resources and
8 Development.

9 (3) "District representative" means any district
10 employment service officer, or any other person
11 designated by the chief to act on his behalf in any
12 district in which there is no district employment
13 service officer.

14 (4) "Employer" means any individual, partnership,
15 association, or corporation hiring employees in the
16 Trust Territory and any individual who has in his
17 employ a domestic servant, but does not include any
18 branch or agency of the Trust Territory Government or
19 of the United States Government.

20 (5) "Employment service" means the Trust Territory
21 Employment Service established under section 151 of
22 this chapter.

23 (6) "Employment service officer" means the official
24 who is the head of the Trust Territory Employment
25 Service established under section 151 of this chapter.

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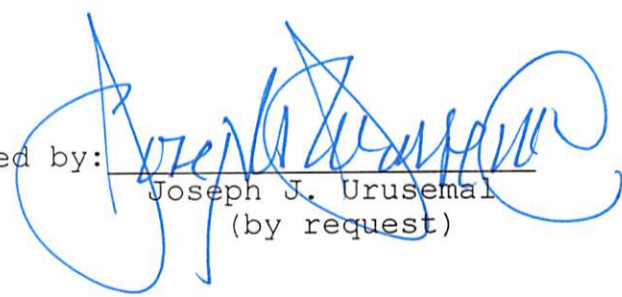
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1 (7) "Nonresident worker" means any person who is
 2 capable of performing services or labor and who is not
 3 a citizen of the Trust Territory or an immigrant alien
 4 admitted to the rust Territory for permanent resident
 5 under the provision of title 50 of this code, including
 6 persons acting in a professional, managerial, or
 7 executive capacity.

8 (8) "Resident worker" means any person who is
 9 capable of performing services or labor and who is a
 10 citizen of the trust Territory or an immigrant alien
 11 admitted to the Trust Territory for permanent residence
 12 under the provisions of section 103 (10) of title 50 of
 13 this code, including , but not limited to persons
 14 acting in a professional, managerial, or executive
 15 capacity."

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

19
 20 Date 11/01/97

Introduced by: 
 Joseph J. Urusemal
 (by request)