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 to clarify that a lawful spouse of a citizen shall apply for an entry permit; by amending section 113 for the purpose of expanding the uses of the proceeds in the Entry Permit Revolving Fund; by amending section 114 to clarify the intent of Congress with respect to the application of customs and traditions to the Immigration Act; and for other purposes.

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

Section 1. Section 103 of title 50 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 10-14 and 12-65, is hereby further amended to read as follows:

"Section 103. Entry permits - Types.

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

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

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

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

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

(6) An alien worker's permit shall be issued to a
noncitizen entering the Federated States of Micronesia
upon compliance with all National laws relating to
private or governmental employment for the period in
which the employment of the alien worker is authorized
by contract. The permit shall be renewed upon extension
or renewal of the alien's lawful employment status.

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

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

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

(10) An entry permit shall be issued to a lawful spouse
of a citizen upon submission of an application as
required by section 105 of this title and providing all
information required by regulations.

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

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

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

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

Section 2. Section 113 of title 50 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 10-35 and 12-65, is hereby further amended to read as follows:

"Section 113. **Entry Permit Revolving Fund.**

(1) There is created and established the Entry Permit Revolving Fund separate from the General Fund of the
(2) The purpose of the Entry Permit Revolving Fund is to establish an ongoing revolving fund to allow revenue from the issuance and renewal of entry permits and other relevant fees to be used for entry permit issuance and renewal, when so designated by the Congress of the Federated States of Micronesia, and for training FSM citizens to assume positions in the FSM workforce currently held by noncitizen workers. The revenue from the Entry Permit Revolving Fund may also be used for the purpose of paying for or covering the expenses necessarily associated with the deportation of any alien entering or residing illegally in the Federated States of Micronesia. Expenses necessarily associated with deportation of any alien shall be determined on a case by case basis by the Secretary of the Department of Justice and a report of the same shall be made in accordance with the provisions of subsection (4) herein.

(3) All revenues received from the issuance and renewal of entry permits and from the payment of any fee required under this chapter or chapter 1 of title 51 of the Code of the Federated States of Micronesia shall be deposited in the Entry Permit Revolving Fund. Any unexpended monies in the Entry Permit Revolving Fund shall not revert to the General Fund, nor lapse at the
end of the fiscal year.

(4) The Entry Permit Revolving Fund shall be administered by the Chief of the Division of Immigration, under the supervision of the Secretary of the Department of Justice. The Chief shall, not later than 30 days after the close of each governmental fiscal year, submit to the Secretary a complete report of the activities and condition of the Entry Permit Revolving Fund for the fiscal year just closed, and any plans for use of the Fund for the fiscal year just started. The Secretary shall, within 30 days of receipt of the report from the Chief, forward the report to the President and the Congress of the Federated States of Micronesia.

(5) The Public Auditor shall audit the Entry Permit Revolving Fund at such times as the Public Auditor deems appropriate."

Section 3. Section 114 of title 50 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-105 and as renumbered by Public Law No. 10-14 and 11-21, is hereby further amended to read as follows:

"Section 114. Penalties.

(1) Any person who, not being a citizen of the Federated States of Micronesia, unlawfully enters or attempts to enter the Federated States of Micronesia or having lawfully entered, remains willfully and
unlawfully after expiration or revocation of his entry authorization, or who violates by act or omission any provision of this chapter or regulations issued pursuant thereto, upon conviction thereof shall be imprisoned for a period of not more than two years, or fined not more than $10,000, or both.

(2) In lieu of subsection (1) of this section or in addition thereto, any person who unlawfully enters the Federated States of Micronesia or having lawfully entered, willfully and unlawfully remains after expiration or revocation of his entry permit shall be subject to deportation after hearing upon application by the President or his designee to any competent court in the Federated States of Micronesia.

(3) Any carrier violating the provisions of section 109 shall be fined $500 per person for persons not allowed to disembark or returned to an aircraft.

(4) Any person who fails to comply with subsection (5) of section 103 of this chapter shall lack standing to bring an action in the Supreme Court of the Federated States of Micronesia for accounts due on sales made or contracts entered into during the period of noncompliance.

(5) Notwithstanding subsections (1) and (2) of this section, the President or his designee may issue a
citation and collect a fee in such amount provided by regulations against any person who violates any provision of this chapter or regulations issued thereunder. The provisions of subsections (1) and (2) of this section shall apply if the defendant chooses to challenge the citation issued or the fee charged.

(6) It is the express intent of the Congress that the Immigration Act set forth in this title shall be construed as a uniform system regulating the immigration of non-citizens entering into or residing in the Federated States of Micronesia. To that extent, the Congress finds that the diverse traditions and customs of the various states of the Federated States of Micronesia, when applied to issues of immigration, are in most instances inconsistent with the need for a uniform system of immigration.

(7) Consistent with the provisions of subsection (6) of this section, in any criminal or deportation proceeding brought pursuant to the provisions of this section, or any judicial review of an application by the President or his designee for the deportation of a person as therein provided, custom and tradition shall not be considered except for determinations of marriage, adoption of a minor child or dependency of a minor child."
Section 4. 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: 10/31/03  Introduced by: /s/ Henry C. Asugar

Henry C. Asugar
(by request)