A BILL FOR AN ACT

To further amend Title 50 of the Code of the Federated States of Micronesia, as amended, by amending section 104 of chapter 1, and for other purposes.

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

Section 1. Section 104 of title 50 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5–105, 7–23, 12–65 and 14–33, is hereby further amended to read as follows:

"Section 104. Entry permits – Duration; Habitual residence; Change of status.

(1) Duration. Unless otherwise specified, all entry permits are limited to one year maximum period, with provision for renewal; except that, entry permits may be issued for a period not to exceed 5 years for individuals renewing spouse permits issued pursuant to subsection 103(10) of this chapter.

(2) Habitual residence.

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

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

(3) Change of Status.

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

(b) For a noncitizen to change status, he shall be required to apply for a permit reflecting his changed status and pay a fee, except that the following shall not be required to pay a fee to change immigration status:

(i) citizens and nationals of the United States of America, for the duration of the Compact of Free Association, [and]

(ii) citizens and nationals of the Republic of the Marshall Islands,

(iii) citizens and nationals of [or] the
Republic of Palau,

(iv) noncitizen spouse of a deceased citizen when the surviving spouse had resided in the Federated States of Micronesia for at least 20 years. [shall not be required to pay a fee to change immigration status.]

(c) The amount of the fee required by subsection (b) of this section, which shall not be less than $1,000, and the circumstances under which a change in immigration status may be granted shall be set forth in regulations issued pursuant to section 102(1) of title 17 of the Code of the Federated States of Micronesia. Payment of such fee is required in addition to, and not as a substitute for, any requirements of the desired new status.

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

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

Section 3. 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: 8/31/06

Introduced by: /s/ Dohsis Halbert

Dohsis Halbert