A BILL FOR AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended, by amending section 103 of chapter 1 to limit the eligibility for entry permits of spouses and unmarried children of noncitizen principals, 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, 12-65 and 14-33, 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.

(a) Subject to this section and any requirements set out in regulations issued pursuant to section 111 of this chapter, a spouse permit holder shall be permitted to undertake paid employment in the Federated States of Micronesia. In the absence of any regulations on this subject, a spouse permit holder shall be permitted to undertake paid employment in the Federated States of Micronesia only if he or she has been a resident of the
Federated States of Micronesia for the 5 years prior to commencing employment and/or has been married to a citizen of the Federated States of Micronesia for the 5 years prior to commencing employment. For the avoidance of doubt, a spouse permit holder may undertake paid employment without obtaining a change of status approval pursuant to section 104 of this chapter, however, such employment must be obtained in accordance with the requirements for hiring non-resident workers contained in title 51 of the Code of the Federated States of Micronesia.

(b) 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.

(c) 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] a noncitizen principal listed in this section, except subsection (11), when the noncitizen principal is eligible for the professional premium as defined under section 163(3) of title 52 of the Code of the Federated States of Micronesia, 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. 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: 5/12/09

Introduced by: Dion G. Neth

Dion G. Neth