
A BILL FOR AN ACT

To amend sections 103 and 104 of title 50 of the Code of the Federated States of Micronesia (Annotated), as amended, to set the minimum amount to be charged for an alien worker's permit and to increase the minimum amount to be charged for an alien worker to change status, 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 (Annotated), as amended, is
3 hereby amended to read as follows:

4 " Section 103. Entry permits—Types.

5 (1) A permit is not required for a person visiting
6 for 30 days or less. For a visit in excess of 30 days, a
7 permit may be issued for an additional period not to exceed 60
8 days; except that, with respect to citizens and nationals of
9 the United States of America, for the effective period of the
10 Compact of Free Association, and with respect to citizens and
11 nationals of the Republic of the Marshall Islands and the
12 Republic of Palau, a permit is not required for the duration
13 of the visit, which shall not exceed 365 days.

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

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

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

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

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

1 shall be renewed upon extension or renewal of the alien's
2 lawful employment status.

3 (a) The amount of the fee required for an alien
4 worker's permit, which shall not be less than \$1,000 shall be
5 set forth in regulations issued pursuant to section 102(1) of
6 title 17 of this code.

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

11 (8) A researcher's entry permit shall be issued for
12 research in the fields of endeavor that the President deems in
13 the best interest of and for the well-being of the citizens of
14 the Federated States of Micronesia; PROVIDED that the
15 President receives from the researcher's intended place of
16 stay prior permission for his entry. The President may attach
17 thereto such 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) An entry permit shall be issued to a lawful
21 spouse of a citizen.

22 (a) Subject to this section and any
23 requirements set out in regulations issued pursuant to section
24 111 of this chapter, a spouse permit holder shall be permitted
25 to undertake paid employment in the Federated States of

1 Micronesia. In the absence of any regulations on this
2 subject, a spouse permit holder shall be permitted to
3 undertake paid employment in the Federated States of
4 Micronesia only if he or she has been a resident of the
5 Federated States of Micronesia for the five years prior to
6 commencing employment and/or has been married to a citizen of
7 the Federated States of Micronesia for the five years prior to
8 commencing employment. For the avoidance of doubt, a spouse
9 permit holder may undertake paid employment without obtaining
10 a change of status approval pursuant to section 104 of this
11 chapter, however, such employment must be obtained in
12 accordance with the requirements for hiring non-resident
13 workers contained in title 51 of this code.

14 (b) A spouse permit may be revoked or denied,
15 in accordance with the provisions of this chapter, upon a
16 finding that

17 (i) the parties are divorced, the parties
18 are irreconcilably separated, or the citizen-spouse is
19 deceased; and

20 (ii) the revocation or denial is in the
21 best interests of the Federated States of Micronesia, provided
22 that the spouse permit of a noncitizen surviving spouse of a
23 deceased citizen who had been married to the citizen spouse
24 for at least 20 years, regardless of place of residence during
25 the marriage, shall not be revoked or denied unless the

1 surviving spouse remarries a non-citizen.

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

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

10 (12) A spouse or unmarried child under the age of 18
11 of any noncitizen principal listed in this section, except
12 subsection (11) of this section, may be issued an entry permit
13 for the duration of the principal's entry permit and may be
14 renewed upon renewal of the principal's entry permit."

15 Section 2. Section 104 of title 50 of the Code of the
16 Federated States of Micronesia (Annotated), as amended, is
17 hereby amended to read as follows:

18 "Section 104. Entry permits—Duration; Habitual
19 residence; Change of status.

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

1 (2) Habitual residence.

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

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

11 (3) Change of Status.

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

21 (b) For a noncitizen to change status, he shall
22 be required to apply for a permit reflecting his changed
23 status and pay a fee, except that citizens and nationals of
24 the United States of America, for the duration of the Compact
25 of Free Association, and citizens and nationals of the

1 Republic of the Marshall Islands or the Republic of Palau
2 shall not be required to pay a fee to change immigration
3 status.

4 (c) The amount of the fee required by
5 subsection (b) of this section, which shall not be less than
6 [~~\$1,000~~] \$5,000, and the circumstances under which a change in
7 immigration status may be granted shall be set forth in
8 regulations issued pursuant to section 102(1) of title 17 of
9 this code. Payment of such fee is required in addition to,
10 and not as a substitute for, any requirements of the desired
11 new status.

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

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

16 Section 3. 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.

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20 Date: 1/21/20

Introduced by: /s/ Wesley W. Simina
Wesley W. Simina

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