FIFTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA
FIRST REGULAR SESSION, 1987

A BILL FOR AN ACT

To amend title 7 of the Code of the Federated States of Micronesia by repealing chapter 1 in its entirety; by renumbering chapter 2; by adding a new chapter 2 relating to permanent resident status; and for other purposes.

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

1. Section 1. Chapter 1 of title 7 of the Code of the Federated States of Micronesia is hereby repealed in its entirety.

2. Section 2. Chapter 2 of title 7 of the Code of the Federated States of Micronesia is hereby renumbered as chapter 1.

3. Section 3. Section 201 of title 7 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 201101. Short title. This chapter is known and may be cited as the Citizenship and Residency Act."

4. Section 4. Section 202 of title 7 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 202102. Citizenship. The following are citizens of the Federated States of Micronesia:

(1) a person who is a citizen of the Trust Territory of the Pacific Islands immediately prior to the effective date of the Constitution and a domiciliary of a district ratifying the Constitution of the Federated States of Micronesia;

(2) a person born, at any time, of parents one or both of whom are citizens of the Federated States of Micronesia; and

(3) a person who becomes a citizen pursuant to section 4 or 5 of article III of the Constitution."

5. Section 5. Section 203 of title 7 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 203103. Dual citizenship is prohibited. A citizen of
the Federated States of Micronesia who is recognized as a citizen of another nation shall, within three years of his eighteenth birthday, or within three years of the effective date of the Constitution, whichever is later, register his intent to remain a citizen of the Federated States of Micronesia with the President or his designee in a manner and form prescribed by law or regulation and renounce his citizenship of another nation. If he fails to comply with this section, he becomes a national of the Federated States of Micronesia."

Section 6. Section 204 of title 7 of the Code of the Federated States of Micronesia is hereby repealed in its entirety and a new section 104 is hereby enacted to read as follows:

"Section 104. Naturalization prohibited. Naturalization of a noncitizen of the Federated States of Micronesia is prohibited."

Section 7. Section 207 of title 7 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 207. Regulations. The President may, from time to time, issue such regulations as are reasonably necessary to implement the provisions of this chapter."

Section 8. Sections 205, 206, and 208 of title 7 of the Code of the Federated States of Micronesia are hereby repealed in their entirety.

Section 9. Title 7 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

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Micronesia is hereby amended by the addition of a new chapter 2 entitled "Permanent Resident Status."

Section 10. Title 7 of the Code of the Federated States of Micronesia is hereby amended by the addition of a new section 201 of chapter 2 to read as follows:

"Section 201. Permanent resident status. The President of the Federated States of Micronesia, or his designee, may grant permanent resident status to any noncitizen of the Federated States of Micronesia who meets the criteria set forth in this act or any regulation issued in pursuance thereof."

Section 11. Title 7 of the Code of the Federated States of Micronesia is hereby amended by the addition of a new section 202 of chapter 2 to read as follows:

"Section 202. Eligibility criteria. In order to be eligible to become a permanent resident of the Federated States of Micronesia, a noncitizen shall:

(1) Submit an application form to the Immigration Office of the National Government of the Federated States of Micronesia along with a non-refundable application fee of $2,500 per person;

(2) Submit a police clearance record showing that the applicant has not been convicted of a felony or of a crime of moral turpitude;

(3) Submit a sworn statement that he will not seek
employment from the Government of the Federated States of Micronesia or from any private business, corporation, enterprise, firm, association, cooperative, or any organization; and that he will be able at all times to support himself and/or his family by his own resources;

(4) Submit a sworn statement that he shall not participate in, either directly or indirectly, the commission of, or attempt, or preparation to commit an act of treason or armed insurrection against the Government of the Federated States of Micronesia, or against any political subdivision thereof, or conspiring with or abetting or aiding another to commit such an act;

(5) Submit a sworn statement to the effect that he and members of his family, if any, shall not run for or hold any public office at any level of government in the Federated States of Micronesia; and

(6) Submit a certified copy of a resolution passed by the legislature of at least one State of the Federated States of Micronesia supporting his application for permanent resident status."

Section 12. Title 7 of the Code of the Federated States of Micronesia is hereby amended by the addition of a new section 203 of chapter 2 to read as follows:

"Section 203. Waiver. The President may waive the fee required by subsection (1) of section 202 of this chapter
and all requirements of subsection (3) of section 202 of
this chapter if an applicant for permanent resident status
was employed by any level or branch of government on
the effective date of this act and the President certifies
that it would be in the National interest to grant such
waivers."

Section 13. Title 7 of the Code of the Federated States of
Micronesia is hereby amended by the addition of a new section 204 of
chapter 2 to read as follows:

"Section 204. Quota. The President of the Federated States
of Micronesia, or his designee, shall establish the number
of permanent resident applications to be approved per
annum, subject to the approval of the Congress of the
Federated States of Micronesia. In considering any
permanent resident application, consideration should be
given to the benefit the Federated States of Micronesia
shall derive from the applicant; the detriment, if any,
that the Federated States of Micronesia may suffer by
conferring permanent resident status to the applicant;
and the social, economic, political, and educational impact
of such application on the people of the Federated States of
Micronesia."

Section 14. Title 7 of the Code of the Federated States of
Micronesia is hereby amended by the addition of a new section 205 of
chapter 2 to read as follows:
Section 205. Rights of permanent residents. A permanent resident of the Federated States of Micronesia shall enjoy the same rights and privileges accorded to citizens of the Federated States of Micronesia, except that he shall be ineligible to hold title to land or waters, or both, and he and members of his family shall be ineligible to hold any public office at any level of government in the Federated States of Micronesia. Notwithstanding the provision of this section, a permanent resident of the Federated States of Micronesia, who is a citizen of a country other than the United States of America shall not use his status as permanent resident of the Federated States of Micronesia as justification for entry into the United States."

Section 15. Title 7 of the Code of the Federated States of Micronesia is hereby amended by the addition of a new section 206 of chapter 2 to read as follows:

"Section 206. Revocation of permanent resident status. A permanent resident status may be revoked by the President of the Federated States of Micronesia, or his designee, and the holder thereof may be deported for any of the following reasons:

(1) The willful furnishing of false, incomplete, and misleading information in an application for permanent resident status;

(2) The advocacy of the unlawful overthrow of the
Government of the Federated States of Micronesia;

(3) The commission of or attempt or preparation to commit an act of treason or armed insurrection against the Government of the Federated States of Micronesia or conspiring with or abetting or aiding another to commit such an act;

(4) Performing or attempting to perform duties or otherwise acting so as to serve the interests of another Government of the Federated States of Micronesia; PROVIDED that this provision shall not apply to an employee of the United States Government or any agency thereof when acting in an official capacity, unless the employee is acting in violation of the laws of the Federated States of Micronesia;

(5) Deliberate unauthorized disclosure of confidential Government information;

(6) Serious mental irresponsibility evidenced by having been adjudged insane or mentally irresponsible, or incompetent or being a chronic alcoholic, or having been treated for serious mental or neurological disorders or chronic alcoholism;

(7) Addiction to the use of narcotic drugs;

(8) Carrying a serious communicable disease;

(9) Conviction of a felony or a crime involving moral turpitude as defined by the laws of the place where conviction took place; or
(10) A finding by the President that continued presence of such noncitizen would not be in the best interest of the Government of the Federated States of Micronesia. The President may deport a noncitizen as a persona non grata."

Section 16. 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: 6/3/82

Introduced by: Jack Fritz