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A BILL FOR AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-54 and 5-105, by further amending section 103, as amended by Public Laws Nos. 5-54 and 5-105, to authorize the issuance of alien worker's entry permits to certain persons; to amend title 51 of the Code of the Federated States of Micronesia by repealing chapter 1 and by adding new sections 101 and 102 to prohibit the States from regulating the employment of alien workers in certain circumstances and to authorize certain alien work permits; 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 Federated  
2 States of Micronesia, as amended by Public Laws Nos. 5-54 and 5-105,  
3 is hereby further amended to read as follows:

4 "Section 103. Entry permits - Types.

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

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

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

21 (4) A foreign government official's entry permit may  
22 be issued to any official, employee, or contractual  
23 personnel of a foreign government or governmental, regional  
24 or international organization who wishes to enter the  
25 Federated States of Micronesia for purposes of official

1 governmental activities and who is not entitled to enter  
2 the Federated States of Micronesia without a permit under  
3 section 102 of this chapter.

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

15 (6) An alien worker's entry permit shall be issued to  
16 a noncitizen entering the Federated States of Micronesia  
17 upon *compliance with all National laws relating to private*  
18 *or governmental employment* presentation of an alien work  
19 permit issued by the National Government or a State  
20 government for the period in which the employment of the  
21 alien worker is authorized by contract, not to exceed 2  
22 years. The permit shall be renewed upon extension or  
23 renewal of the alien's *lawful employment status* work permit.

24 (7) A foreign investor's entry permit shall be issued  
25 for a specified duration and may be renewed upon renewal or

1 extension of such foreign investor's business permit.

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

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

12 (10) An entry permit shall be issued to a lawful  
13 spouse of a citizen. The permit shall be revoked or shall  
14 be denied upon a finding that the parties are divorced or  
15 irreconcilably separated, or that the citizen-spouse is  
16 deceased. The President or his designee has the authority  
17 to grant or reissue the permit for indefinite duration upon  
18 a finding of hardship.

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

23 (12) A spouse or unmarried child under the age of  
24 eighteen of any noncitizen principal listed in this section  
25 except subsection (11) may be issued an entry permit for

1           the duration of the principal's entry permit and may be  
2           renewed upon renewal of the principal's entry permit."

3           Section 2. Chapter 1 of title 51 of the Code of the Federated  
4 States of Micronesia is hereby repealed in its entirety.

5           Section 3. Title 51 of the Code of the Federated States of  
6 Micronesia is hereby amended by adding a new chapter 1 entitled  
7 "Alien Workers."

8           Section 4. Title 51 of the Code of the Federated States of  
9 Micronesia is hereby amended by adding a new section 101 of chapter 1  
10 to read as follows:

11           "Section 101. Alien Workers.

12           (1) As used in this section, the term 'alien worker'  
13 means an individual who is neither a citizen of the  
14 Federated States of Micronesia nor an immigrant alien  
15 admitted to the Federated States of Micronesia as a  
16 permanent resident under title 50 of the Code of the  
17 Federated States of Micronesia.

18           (2) A State may regulate the employment of an alien  
19 worker in such State except for the following:

20           (a) The employment of an alien worker by the  
21 National Government;

22           (b) The employment of an alien worker by a  
23 contractor pursuant to a contract with the National  
24 Government;

25           (c) The employment of an alien worker pursuant

1 to a foreign aid agreement with the National Government;

2 (d) The employment of an alien worker having a  
3 valid visitor's entry permit;

4 (e) The employment of an alien worker pursuant  
5 to a valid foreign government official's entry permit;

6 (f) The employment of an alien worker who is  
7 physically present in the State for less than 30 days in  
8 any calendar year;

9 (g) The employment of an alien worker as the  
10 manager of a business with a foreign investment permit; or

11 (h) The employment of an alien worker where such  
12 regulation is in violation of the Constitution of the  
13 Federated States of Micronesia.

14 (3) This act is adopted pursuant to the National  
15 Government's powers under the Constitution, including the  
16 powers relating to immigration, interstate and foreign  
17 commerce, foreign affairs, the National public service  
18 system, the appropriation of public funds, and the  
19 functioning of the National Government."

20 Section 5. Title 51 of the Code of the Federated States of  
21 Micronesia is hereby amended by adding a new section 102 of chapter 1  
22 to read as follows:

23 "Section 102. Alien work permits.

24 (1) The President or his designee may issue an alien  
25 work permit for an alien who:

- 1                   (a) Is to be employed in the National public  
2                   service system;
- 3                   (b) Is to be otherwise employed pursuant to a  
4                   contract with any entity of the National Government except  
5                   the Congress or the Supreme Court; or
- 6                   (c) Is to be employed pursuant to a foreign aid  
7                   agreement with the National Government.
- 8                   (2) The Speaker or his designee may issue an alien  
9                   work permit for an alien who is to be employed by the  
10                   Congress of the Federated States of Micronesia except as a  
11                   National public service system employee.
- 12                   (3) The Chief Justice or his designee may issue an  
13                   alien work permit for an alien who is to be employed by the  
14                   Supreme Court except as a National public service system  
15                   employee.
- 16                   (4) An alien work permit shall be valid for the  
17                   period in which the employment of the alien worker is  
18                   authorized by contract, not to exceed 2 years. The permit  
19                   may be renewed or extended for additional periods not to  
20                   exceed 2 years for each renewal or extension."

21           Section 6. This act shall become effective 90 days after it  
22 becomes law.

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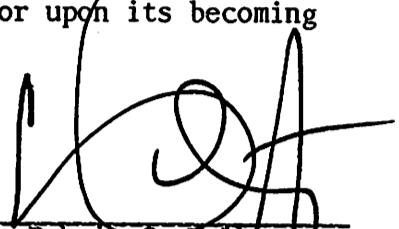
C. B. No. 6-280

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1           Section 7. This act shall become law upon approval by the  
2 President of the Federated States of Micronesia or upon its becoming  
3 law without such approval.

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5 Date: 6/14/90

Introduced by:   
Dohsis S. Halbert  
(by request)

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