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 103 of title 50 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-54 and 5-105, 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, a permit may be issued 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 entry 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 entry permit shall be issued to
a noncitizen entering the Federated States of Micronesia
upon compliance with all national laws relating to private
governmental equipment presentation of an alien work
permit issued by the National Government or a State
government for the period in which the employment of the
alien worker is authorized by contract, not to exceed 2
years. The permit shall be renewed upon extension or
renewal of the alien's initial equipment status work permit.

(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. The permit shall be revoked or shall be denied upon a finding that the parties are divorced or irreconcilably separated, or that the citizen-spouse is deceased. The President or his designee has the authority to grant or reissue the permit for indefinite duration upon a finding of hardship.

(11) A dependent's entry permit may be issued to an unmarried child, under the age of eighteen, 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 noncitizen principal listed in this section except subsection (11) 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. Chapter 1 of title 51 of the Code of the Federated
States of Micronesia is hereby repealed in its entirety.

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

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

"Section 101. Alien Workers.

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

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

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

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

(c) The employment of an alien worker pursuant
to a foreign aid agreement with the National Government;

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

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

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

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

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

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

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

"Section 102. Alien work permits.

(1) The President or his designee may issue an alien
work permit for an alien who:
(a) Is to be employed in the National public service system;

(b) Is to be otherwise employed pursuant to a contract with any entity of the National Government except the Congress or the Supreme Court; or

(c) Is to be employed pursuant to a foreign aid agreement with the National Government.

(2) The Speaker or his designee may issue an alien work permit for an alien who is to be employed by the Congress of the Federated States of Micronesia except as a National public service system employee.

(3) The Chief Justice or his designee may issue an alien work permit for an alien who is to be employed by the Supreme Court except as a National public service system employee.

(4) An alien work permit shall be valid for the period in which the employment of the alien worker is authorized by contract, not to exceed 2 years. The permit may be renewed or extended for additional periods not to exceed 2 years for each renewal or extension."

Section 6. This act shall become effective 90 days after it becomes law.
Section 7. 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: 6/14/90

Introduced by: [Signature]

(by request)