

A BILL FOR AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended, by amending sections 103 to clarify that a lawful spouse of a citizen shall apply for an entry permit; by amending section 113 for the purpose of expanding the uses of the proceeds in the Entry Permit Revolving Fund; by amending section 114 to clarify the intent of Congress with respect to the application of customs and traditions to the Immigration Act; 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, as amended by Public Laws Nos. 10-
3 14 and 12-65, 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 for
6 thirty days or less. For a visit in excess of thirty
7 days, a permit may be issued for an additional period
8 not to exceed sixty days; except that, with respect to
9 citizens and nationals of the United States of America,
10 for the effective period of the Compact of Free
11 Association, and with respect to citizens and nationals
12 of the Republic of the Marshall Islands and the Republic
13 of Palau, a permit is not required for the duration of
14 the visit, which shall not exceed 365 days.

15 (2) A visitor's permit for any lawful purpose,
16 including performance of necessary services on a short-
17 term contractual basis, may be issued for a period of

1 specified duration reflecting the time necessary to
2 accomplish the purpose.

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

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

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

25 (6) An alien worker's permit shall be issued to a

1 noncitizen entering the Federated States of Micronesia
2 upon compliance with all National laws relating to
3 private or governmental employment for the period in
4 which the employment of the alien worker is authorized
5 by contract. The permit shall be renewed upon extension
6 or renewal of the alien's lawful employment status.

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

10 (8) A researcher's entry permit shall be issued for
11 research in the fields of endeavor that the President
12 deems in the best interest of and for the well-being of
13 the citizens of the Federated States of Micronesia;
14 PROVIDED that the President receives from the
15 researcher's intended place of stay prior permission for
16 his entry. The President may attach thereto such
17 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 spouse
21 of a citizen upon submission of an application as
22 required by section 105 of this title and providing all
23 information required by regulations.

24 (a) A spouse permit may be revoked or denied, in
25 accordance with the provisions of this chapter, upon a

1 finding that (i) the parties are divorced, the parties
2 are irreconcilably separated, or the citizen-spouse is
3 deceased; and (ii) the revocation or denial is in the
4 best interests of the Federated States of Micronesia.

5 (b) Except in extraordinary circumstances, no
6 action to revoke or deny a spouse permit on the grounds
7 of death of the citizen-spouse shall be taken for a
8 period of six months from the date of death of the
9 citizen-spouse.

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

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

20 Section 2. Section 113 of title 50 of the Code of the
21 Federated States of Micronesia, as amended by Public Laws Nos. 10-
22 35 and 12-65, is hereby further amended to read as follows:

23 "Section 113. Entry Permit Revolving Fund.

24 (1) There is created and established the Entry Permit
25 Revolving Fund separate from the General Fund of the

1 Federated States of Micronesia and all other funds.

2 (2) The purpose of the Entry Permit Revolving Fund is
3 to establish an ongoing revolving fund to allow revenue
4 from the issuance and renewal of entry permits and other
5 relevant fees to be used for entry permit issuance and
6 renewal, when so designated by the Congress of the
7 Federated States of Micronesia, and for training FSM
8 citizens to assume positions in the FSM workforce
9 currently held by noncitizen workers. The revenue from
10 the Entry Permit Revolving Fund may also be used for the
11 purpose of paying for or covering the expenses
12 necessarily associated with the deportation of any alien
13 entering or residing illegally in the Federated States
14 of Micronesia. Expenses necessarily associated with
15 deportation of any alien shall be determined on a case
16 by case basis by the Secretary of the Department of
17 Justice and a report of the same shall be made in
18 accordance with the provisions of subsection (4) herein.

19 (3) All revenues received from the issuance and
20 renewal of entry permits and from the payment of any fee
21 required under this chapter or chapter 1 of title 51 of
22 the Code of the Federated States of Micronesia shall be
23 deposited in the Entry Permit Revolving Fund. Any
24 unexpended monies in the Entry Permit Revolving Fund
25 shall not revert to the General Fund, nor lapse at the

1 end of the fiscal year.

2 (4) The Entry Permit Revolving Fund shall be
3 administered by the Chief of the Division of
4 Immigration, under the supervision of the Secretary of
5 the Department of Justice. The Chief shall, not later
6 than 30 days after the close of each governmental fiscal
7 year, submit to the Secretary a complete report of the
8 activities and condition of the Entry Permit Revolving
9 Fund for the fiscal year just closed, and any plans for
10 use of the Fund for the fiscal year just started. The
11 Secretary shall, within 30 days of receipt of the report
12 from the Chief, forward the report to the President and
13 the Congress of the Federated States of Micronesia.

14 (5) The Public Auditor shall audit the Entry Permit
15 Revolving Fund at such times as the Public Auditor deems
16 appropriate."

17 Section 3. Section 114 of title 50 of the Code of the
18 Federated States of Micronesia, as amended by Public Law No. 5-105
19 and as renumbered by Public Law No. 10-14 and 11-21, is hereby
20 further amended to read as follows:

21 "Section 114. Penalties.

22 (1) Any person who, not being a citizen of the
23 Federated States of Micronesia, unlawfully enters or
24 attempts to enter the Federated States of Micronesia or
25 having lawfully entered, remains willfully and

1 unlawfully after expiration or revocation of his entry
2 authorization, or who violates by act or omission any
3 provision of this chapter or regulations issued pursuant
4 thereto, upon conviction thereof shall be imprisoned for
5 a period of not more than two years, or fined not more
6 than \$10,000, or both.

7 (2) In lieu of subsection (1) of this section or in
8 addition thereto, any person who unlawfully enters the
9 Federated States of Micronesia or having lawfully
10 entered, willfully and unlawfully remains after
11 expiration or revocation of his entry permit shall be
12 subject to deportation after hearing upon application by
13 the President or his designee to any competent court in
14 the Federated States of Micronesia.

15 (3) Any carrier violating the provisions of section
16 109 shall be fined \$500 per person for persons not
17 allowed to disembark or returned to an aircraft.

18 (4) Any person who fails to comply with subsection (5)
19 of section 103 of this chapter shall lack standing to
20 bring an action in the Supreme Court of the Federated
21 States of Micronesia for accounts due on sales made or
22 contracts entered into during the period of
23 noncompliance.

24 (5) Notwithstanding subsections (1) and (2) of this
25 section, the President or his designee may issue a

1 citation and collect a fee in such amount provided by
2 regulations against any person who violates any
3 provision of this chapter or regulations issued
4 thereunder. The provisions of subsections (1) and (2)
5 of this section shall apply if the defendant chooses to
6 challenge the citation issued or the fee charged.

7 (6) It is the express intent of the Congress that the
8 Immigration Act set forth in this title shall be
9 construed as a uniform system regulating the immigration
10 of non-citizens entering into or residing in the
11 Federated States of Micronesia. To that extent, the
12 Congress finds that the diverse traditions and customs
13 of the various states of the Federated States of
14 Micronesia, when applied to issues of immigration, are
15 in most instances inconsistent with the need for a
16 uniform system of immigration.

17 (7) Consistent with the provisions of subsection (6)
18 of this section, in any criminal or deportation
19 proceeding brought pursuant to the provisions of this
20 section, or any judicial review of an application by the
21 President or his designee for the deportation of a
22 person as therein provided, custom and tradition shall
23 not be considered except for determinations of marriage,
24 adoption of
25 a minor child or dependency of a minor child."

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Section 4. 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: 10/31/03 Introduced by: /s/ Henry C. Asugar
Henry C. Asugar
(by request)

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