

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. 5-105, 7-23, 7-38, 10-14, 10-35, 11-21, 12-65 and 14-33, by further amending sections 103 and 104, by adding a new section 104, by renumbering sections 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 and 116, for the purpose of deleting the term "habitual resident", creating a new "permanent resident" 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, as amended by Public Laws Nos. 5-  
3 105, 10-14, 12-65 and 14-33, is hereby further amended to read as  
4 follows:

5           "Section 103. Entry permits - Types.

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

16           (2) A visitor's permit for any lawful purpose,  
17 including performance of necessary services on a short-

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1 term contractual basis, may be issued for a period of  
2 specified duration reflecting the time necessary to  
3 accomplish the purpose.

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

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

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

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

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

11          (8) A researcher's entry permit shall be issued for  
12          research in the fields of endeavor that the President  
13          deems in the best interest of and for the well-being of  
14          the citizens of the Federated States of Micronesia;  
15          PROVIDED that the President receives from the  
16          researcher's intended place of stay prior permission for  
17          his entry. The President may attach thereto such  
18          conditions or restrictions as he deems necessary.

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

21          (10) An entry permit shall be issued to a lawful spouse  
22          of a citizen.

23                 (a) Subject to this section and any requirements  
24                 set out in regulations issued pursuant to section ~~[111]~~  
25                 112 of this chapter, a spouse permit holder shall be

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1           permitted to undertake paid employment in the Federated  
2           States of Micronesia. In the absence of any regulations  
3           on this subject, a spouse permit holder shall be permitted  
4           toundertake paid employment in the Federated States of  
5           Micronesia only if he or she has been a resident of the  
6           Federated States of Micronesia for the 5 years prior to  
7           commencing employment and/or has been married to a citizen  
8           of the Federated States of Micronesia for the 5 years  
9           prior to commencing employment. For the avoidance of  
10          doubt, a spouse permit holder may undertake paid  
11          employment without obtaining a change of status approval  
12          pursuant to section [~~104~~] 105 of this chapter, however,  
13          such employment must be obtained in accordance with the  
14          requirements for hiring non-resident workers contained in  
15          title 51 of the Code of the Federated States of  
16          Micronesia.

17                   (b) A spouse permit may be revoked or denied, in  
18                   accordance with the provisions of this chapter, upon a  
19                   finding that (i) the parties are divorced, the parties  
20                   are irreconcilably separated, or the citizen-spouse is  
21                   deceased; and (ii) the revocation or denial is in the  
22                   best interests of the Federated States of Micronesia.

23                   (c) Except in extraordinary circumstances, no  
24                   action to revoke or deny a spouse permit on the grounds  
25                   of death of the citizen-spouse shall be taken for a

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1 period of six months from the date of death of the  
2 citizen-spouse.

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

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

13 Section 2. Section 104 of title 50 of the Code of the  
14 Federated States of Micronesia, as amended by Public Laws Nos. 5-  
15 105, 7-23 and 12-65, is hereby renumbered as section 105 and  
16 further amended to read as follows:

17 "Section 104. Entry permits - Duration~~[; Habitual~~  
18 ~~residence]; Change of status; Waiver.~~

19 (1) *Duration.* Unless otherwise specified, all entry  
20 permits are limited to one year maximum period, with  
21 provision for renewal; except that, entry permits may be  
22 issued for a period not to exceed 5 years for  
23 individuals renewing spouse permits issued pursuant to  
24 subsection 103(10) of this chapter.

25 [~~(2) *Habitual residence.*~~]

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

5                   ~~(b) A habitual resident may be present in the~~  
6                   ~~Federated States of Micronesia only for 30 day visits as~~  
7                   ~~permitted by section 103(1) of this chapter or for a~~  
8                   ~~longer period of time as permitted by section 103(2),~~  
9                   ~~(3), (4), (5), (6), (7), (8), (9), (10), (11) or (12) of~~  
10                   ~~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  
14                   under section 103(1) or 103(2) of this chapter may not  
15                   be changed during his stay in the Federated States of  
16                   Micronesia. The immigration status of any noncitizen  
17                   entering or residing in the Federated States of  
18                   Micronesia under any other provision of this chapter may  
19                   not be changed during his stay in the Federated States  
20                   of Micronesia, except in accordance with the provisions  
21                   of this title.

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

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1 Compact of Free Association, and citizens and nationals  
2 of the Republic of the Marshall Islands or the Republic  
3 of Palau shall not be required to pay a fee to change  
4 immigration status.

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

14 (d) The President may impose additional  
15 conditions for such change of status.

16 (4) *Waiver.* The provisions of this section shall not  
17 be waived by the President or his designee."

18 Section 3. Title 50 of the Code of the Federated States of  
19 Micronesia is hereby further amended by adding a new section 104  
20 to read as follows:

21 "Section 104. Permanent Resident Status.

22 (1) A non-citizen individual who holds permanent  
23 resident status has the right to enter, re-enter and  
24 remain in the Federated States of Micronesia, subject to  
25 the provisions of this title. A non-citizen individual

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1           who holds permanent resident status shall be permitted  
2           to undertake paid employment in the Federated States of  
3           Micronesia, in accordance with title 51.

4           (2) A non-citizen individual who has held a spouse  
5           entry permit for not less than 5 years and who has  
6           resided in the Federated States of Micronesia for not  
7           less than 5 consecutive years shall be eligible to apply  
8           for permanent resident status. The Secretary of Justice  
9           shall promulgate regulations regarding the application  
10          process for permanent resident status.

11          (3) A non-citizen individual who has been granted the  
12          status of permanent resident may maintain his or her  
13          permanent resident status by meeting a residency  
14          requirement of physical presence in the FSM of not less  
15          than six months in every calendar year.

16          (4) An application for permanent resident status does  
17          not require a change of status approval pursuant to  
18          section 105 of this chapter.

19          (5) The President may deny an application for, or  
20          revoke, permanent residence status for any of the  
21          reasons enumerated in section 108 of this title.

22          Section 4. Sections 104, 105, 106, 107, 108, 109, 110, 111,  
23          112, 113, 114, 115 and 116 of title 50 of the Code of the  
24          Federated States of Micronesia, as amended by Public Laws Nos. 5-  
25          105, 7-23, 7-38, 10-14, 10-35, 11-21, 12-65 and 14-33, are hereby

1 renumbered as sections 105, 106, 107, 108, 109, 110, 111, 112,  
2 113, 114, 115, 116 and 117.

3 Section 5. This act shall become law upon approval by the  
4 President of the Federated States of Micronesia or upon its  
5 becoming law without such approval.

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7 Date: 9/14/06

Introduced by: /s/ Isaac V. Figir  
Isaac V. Figir

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