

AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended, by amending sections 103 and 104 of chapter 1, 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 Law No. 10-14
3 and Public No. Law 12-65, 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-
18 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.

22 (a) Subject to this section and any requirements
23 set out in regulations issued pursuant to section 111 of
24 this chapter, a spouse permit holder shall be permitted to
25 undertake paid employment in the Federated States of

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

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

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

1 citizen-spouse.

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

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

12 Section 2. Section 104 of title 50 of the Code of the
13 Federated States of Micronesia, as amended by Public Law No. 12-
14 65, is hereby further amended to read as follows:

15 "Section 104. Entry permits - Duration; Habitual
16 residence; Change of status.

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

23 (2) *Habitual residence.*

24 (a) A noncitizen who remains in the Federated
25 States of Micronesia as a visitor under section 103(1)

1 of this chapter for one year or more shall be classified
2 as a habitual resident.

3 (b) A habitual resident may be present in the
4 Federated States of Micronesia only for 30 day visits as
5 permitted by section 103(1) of this chapter or for a
6 longer period of time as permitted by section 103(2),
7 (3), (4), (5), (6), (7), (8), (9), (10), (11) or (12) of
8 this chapter.

9 (3) *Change of Status.*

10 (a) The immigration status of a noncitizen
11 entering the Federated States of Micronesia as a visitor
12 under section 103(1) or 103(2) of this chapter may not
13 be changed during his stay in the Federated States of
14 Micronesia. The immigration status of any noncitizen
15 entering or residing in the Federated States of
16 Micronesia under any other provision of this chapter may
17 not be changed during his stay in the Federated States
18 of Micronesia, except in accordance with the provisions
19 of this title.

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

1 of Palau shall not be required to pay a fee to change
2 immigration status.

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

12 (d) The President may impose additional
13 conditions for such change of status.

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

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

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22 November 2, 2005

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/s/ Joseph J. Urusemal

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Joseph J. Urusemal

President

Federated States of Micronesia