

Public Law No. 5 - 105

FIFTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

THIRD REGULAR SESSION, 1988 CONGRESSIONAL BILL NO. 5-254, C.D.1, C.D.2,
C.D.3, C.D.4, C.D.5, C.D.6, C.D.7

AN ACT

To further amend title 50 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-54, by amending section 102, by further amending section 103, as amended by Public Law No. 5-54, and by amending sections 104, 107, 110 and 112 relating to entry permits and noncitizen registration, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 102 of title 50 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 102. Entry permits - Required. No noncitizen,
4 vessel, or aircraft, unless specifically exempted by
5 applicable law or regulations, shall enter or otherwise
6 remain in the Federated States of Micronesia without having
7 been issued an appropriate entry permit except for
8 officials, employees, and contractual personnel of foreign
9 governments and governmental regional or international
10 organizations, and their spouses, dependents and household
11 members, to the extent the President or his designee
12 determines such exemptions are granted by law or
13 international treaty obligations of the Federated States of
14 Micronesia. Entry permits to visit or otherwise remain in
15 the Federated States of Micronesia shall be issued by the
16 President in accordance with laws and regulations to be
17 promulgated or issued pursuant to this chapter."

18 Section 2. Section 103 of title 50 of the Code of the Federated
19 States of Micronesia, as amended by Public Law No. 5-54, is hereby
20 further amended to read as follows:

21 "Section 103. Entry permits - Types.

22 (1) A permit is not required for a person visiting for

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1 thirty days or less. For a visit in excess of thirty days
2 a permit may be issued for an additional period not to
3 exceed sixty days; except that, with respect to citizens
4 and nationals of the United States of America, for the
5 effective period of the Compact of Free Association, a
6 permit may be issued for the duration of the visit which
7 shall not exceed 365 days.

8 (2) A visitor's permit for any lawful purpose,
9 including performance of necessary services on a short-term
10 contractual basis, may be issued for a period of specified
11 duration reflecting the time necessary to accomplish the
12 purpose.

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

16 (4) A foreign government official's permit may be
17 issued to any official, employee, or contractual personnel
18 of a foreign government or governmental regional or
19 international organization who wishes to enter the
20 Federated States of Micronesia for purposes of official
21 governmental activities and who is not entitled to enter
22 the Federated States of Micronesia without a permit under
23 section 102 of this chapter.

24 (5) Notwithstanding any provision of subsections (1)
25 and (2) of this section, a person entering the Federated

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

10 (6) An alien worker's permit shall be issued to a
11 noncitizen entering the Federated States of Micronesia upon
12 compliance with all National laws relating to private or
13 governmental employment for the period in which the
14 employment of the alien worker is authorized by contract.
15 The permit shall be renewed upon extension or renewal of
16 the alien's lawful employment status.

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

20 (8) A researcher's entry permit shall be issued for
21 research in the fields of endeavor that the President deems
22 in the best interest of and for the well-being of the
23 citizens of the Federated States of Micronesia; provided
24 that the President receives from the researcher's intended
25 place of stay prior permission for his entry. The President

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1 may attach thereto such conditions or restrictions as he
2 deems necessary.

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

5 (10) An entry permit shall be issued to a lawful
6 spouse of a citizen. The permit shall be revoked or shall
7 be denied upon a finding that the parties are divorced or
8 irreconcilably separated, or that the citizen-spouse is
9 deceased. The President or his designee has the authority
10 to grant or reissue the permit for indefinite duration upon
11 a finding of hardship.

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

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

21 Section 3. Section 104 of title 50 of the Code of the Federated
22 States of Micronesia is hereby amended to read as follows:

23 "Section 104. Entry permits - Duration; Habitual
24 residence; Change of status.

25 (1) Unless otherwise specified, all entry permits are

1 limited to one year maximum period with provision for
2 renewal.

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

11 (3) The immigration status of any noncitizen entering
12 or residing in the Federated States of Micronesia may not
13 be changed during his stay in the Federated States of
14 Micronesia except upon written authorization by the
15 President or his designee. For the noncitizen to change
16 status, he shall be required to leave the jurisdiction of
17 the Federated States of Micronesia or pay a fee of \$200 and
18 upon re-entry or payment apply for a permit reflecting his
19 changed status. Departure from the jurisdiction of the
20 Federated States of Micronesia or payment of the fee are
21 required in addition to, and not as a substitute for, any
22 requirements of the desired new status. The President may
23 impose conditions for such change of status."

24 Section 4. Section 107 of title 50 of the Code of the Federated
25 States of Micronesia is hereby amended to read as follows:

1 "Section 107. Entry permits - Standards of exclusion and
2 deportation.

3 (1) The President may deny entry without a permit,
4 deny renewal of entry without a permit, deny an entry
5 permit, revoke or deny renewal of an entry permit, or
6 deport any noncitizen for any of the following reasons:

7 (a) the willful furnishing of false, incomplete,
8 or misleading material information in an application
9 for a permit; or

10 (b) the advocacy of the unlawful overthrow of
11 the Government of the Federated States of Micronesia; or

12 (c) commission of or attempt or preparation to
13 commit an act of treason or armed insurrection against the
14 Government of the Federated States of Micronesia or
15 conspiring with or abetting or aiding another to commit
16 such an act; or

17 (d) performing or attempting to perform duties
18 or otherwise acting so as to serve the interests of another
19 government to the detriment of the Government of the
20 Federated States of Micronesia; or

21 (e) deliberate unauthorized disclosure of
22 confidential Government information; or

23 (f) entry made on a counterfeit or false permit;
24 or

25 (g) serious mental irresponsibility evidenced by

1 having been adjudged insane or mentally irresponsible, or
2 incompetent, or being a chronic alcoholic, or having been
3 treated for serious mental or neurological disorders or for
4 chronic alcoholism; or

5 (h) addiction to the use of narcotic drugs; or

6 (i) carrying a serious communicable disease; or

7 (j) conviction of a felony or a crime involving
8 moral turpitude as defined by the laws of the place where
9 conviction took place; or

10 (k) a finding by the President that the entry of
11 the applicant or his presence in the Federated States of
12 Micronesia would not be in the best interest of the
13 Government of the Federated States of Micronesia.

14 (2) The provisions of subsection (1) of this section
15 shall apply to every person, except to the extent law or
16 international treaty obligations of the Federated States of
17 Micronesia provide otherwise."

18 Section 5. Section 110 of title 50 of the Code of the Federated
19 States of Micronesia is hereby amended to read as follows:

20 "Section 110. Noncitizen registration. The President
21 shall by regulation provide for annual registration
22 of noncitizens residing in the Federated States of
23 Micronesia, except for those noncitizens who are exempted
24 from registration by law or international treaty
25 obligations of the Federated States of Micronesia as

1 determined by the President or his designee."

2 Section 6. Section 112 of title 50 of the Code of the Federated
3 States of Micronesia, as amended by Public Law No. 5-54, is hereby
4 further amended to read as follows:

5 "Section 112. Penalties.

6 (1) Any person who, not being a citizen of the
7 Federated States of Micronesia, unlawfully enters or
8 attempts to enter the Federated States of Micronesia or
9 having lawfully entered, remains willfully and unlawfully
10 after expiration or revocation of his entry authorization,
11 or who violates by act or omission any provision of this
12 chapter or regulations issued pursuant thereto, upon
13 conviction thereof shall be imprisoned for a period of
14 not more than two years, or fined not more than \$10,000,
15 or both.

16 (2) In lieu of subsection (1) of this section
17 or in addition thereto, any person who unlawfully enters
18 the Federated States of Micronesia or having lawfully
19 entered, willfully and unlawfully remains after expiration
20 or revocation of his entry permit shall be subject to
21 deportation after hearing upon application by the President
22 or his designee to any competent court in the Federated
23 States of Micronesia.

24 (3) Any carrier violating the provisions of section
25 109 shall be fined \$500 per person for persons not allowed

1 to disembark or returned to an aircraft.

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

7 Section 7. Persons required to obtain a student's or foreign
8 government official's permit pursuant to 50 F.S.M.C. 103(3) and (4),
9 as established by section 2 of this act, who are already within the
10 Federated States of Micronesia as a student or foreign government
11 official under another type of permit on the effective date of this
12 act shall not be required to change to the new type of permit until
13 the expiration date of that permit. If that permit has no fixed
14 expiration date, such persons shall have 90 days within which to
15 change to the new permit status. Persons changing permit status
16 pursuant to this section shall receive a one-time exemption from
17 the departure or fee requirements of 50 F.S.M.C. 104(3),
18 as amended by section 3 of this act.

19 Section 8. A holder of a missionary permit required by
20 this act to change permit status shall receive a one-time
21 exemption from the departure or fee requirements of 50 F.S.M.C.
22 104(3), as amended by section 3 of this act. Such persons
23 shall not be required to change permit status until the expiration
24 date of their current missionary permits. If any such person has a
25 missionary permit with no fixed expiration date, he must change permit

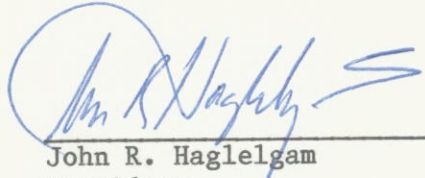
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1 status within 90 days of the effective date of this act.

2 Section 9. This act shall become law upon approval by the
3 President of the Federated States of Micronesia or upon its becoming
4 law without such approval.

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December 13, 1988



John R. Haglelgam
President
Federated States of Micronesia

