

CITIZENSHIP

Citizenship may affect, among other legal interests, rights to own land, to engage in business or be employed, and even to reside within the Federated States of Micronesia. In re Sproat, 2 FSM R. 1, 6 (Pon. 1985).

Article III, Sections 1 and 2, of the FSM Constitution are self-executing and do not contemplate, or imply the need for, court action to confirm citizenship where no challenge exists. In re Sproat, 2 FSM R. 1, 7 (Pon. 1985).

The Citizenship and Naturalization Act places primary responsibility for administrative implementation upon the President, and contemplates that the Executive Branch, not the Judiciary, normally will determine and certify citizenship. In re Sproat, 2 FSM R. 1, 7 (Pon. 1985).

Where there exists an actual controversy involving a concrete threat to citizenship rights and interests, the FSM Supreme Court could be constitutionally required to determine whether a person is or is not a citizen. In re Sproat, 2 FSM R. 1, 7 (Pon. 1985).

Courts in the United States have ruled on citizenship status where that status determines the propriety of official administrative action and administrative remedies have been exhausted. In re Sproat, 2 FSM R. 1, 7 (Pon. 1985).

Until 7 F.S.M.C. 204 goes into effect, it may be appropriate to take a liberal view in determining when a court ruling on citizenship status may be required to prevent injustice or to permit an individual to proceed with his own business or personal affairs. In re Sproat, 2 FSM R. 1, 8 (Pon. 1985).

A person's parentage will make him an FSM citizen because a person born of parents one or both of whom are FSM citizens is an FSM citizen and national by birth. Hartmann v. Department of Justice, 20 FSM R. 619, 621 (Chk. 2016).

An FSM passport usually has a five-year duration. Hartmann v. Department of Justice, 20 FSM R. 619, 623 (Chk. 2016).

A nineteen-year-old with one FSM citizen parent, despite any claim he may have had to another country's citizenship and passport, would unquestionably be an FSM citizen entitled to an FSM passport, even if he also held a another country's passport since he would not lose his FSM citizenship and become an FSM national instead until he turns twenty-one. Hartmann v. Department of Justice, 20 FSM R. 619, 623 (Chk. 2016).

A statutory rebuttable presumption that an FSM passport-holder that has had his or her passport renewed twice in a row, has renounced the citizenship of another nation and that he or she is solely an FSM citizen, has been overcome when a person has conceded that he has not formally renounced any claim he may have to U.S. citizenship and does not wish to do so now. Hartmann v. Department of Justice, 20 FSM R. 619, 623 (Chk. 2016).

A naturalization applicant, who is an FSM national, must submit a declaration on "Form I" showing the applicant's intent to become an FSM citizen and attach various documents, including proof of renunciation of foreign citizenship. The Division of Immigration then reviews

and investigates all the documents' authenticity and conducts a criminal background check of the applicant. After that, the applicant undergoes the indigenous language examination. All the supporting documents are then forwarded to the President's office, which sends a letter to the applicant inviting the applicant to a naturalization ceremony, where the applicant will take the oath of citizenship ("Form II"). The last step includes the filing with the Department of Justice the Federated States of Micronesia Certification of Naturalization ("Form III"). Once all these steps are successfully completed, the FSM national applicant becomes an FSM citizen. Hartmann v. Department of Justice, 20 FSM R. 619, 624 (Chk. 2016).

An FSM national applicant for naturalization must first renounce, and prove that he or she has renounced, his or her other citizenship, but apparently can still be denied FSM citizenship (if the applicant has been convicted of a felony or does not pass the indigenous language test). Hartmann v. Department of Justice, 20 FSM R. 619, 624 (Chk. 2016).

All FSM citizens are FSM nationals, but not all FSM nationals are FSM citizens. FSM v. Siega, 21 FSM R. 291, 298 & n.5 (Chk. 2017).

A person's own admission that he has not formally renounced his claim to United States citizenship and that he does not wish to do so even now, that person, pursuant to the Constitution, would not be recognized as a citizen, but only a national, of the FSM. Hartmann v. Department of Justice, 21 FSM R. 468, 475 (Chk. 2018).

Article III, sections 1 and 2 of the FSM Constitution are self-executing and do not contemplate, or imply the need for, court action to confirm citizenship where no challenge exists. Hartmann v. Department of Justice, 21 FSM R. 468, 475 (Chk. 2018).

Within three years of his eighteenth birthday, an FSM citizen, who is also a citizen of another nation, must register his intent to remain an FSM citizen and must renounce his citizenship of another nation. Failure to comply with these requirements means that the person automatically, by operation of constitutional law, becomes a national of the FSM. Hartmann v. Department of Justice, 21 FSM R. 468, 476 (Chk. 2018).

Regulations may provide convenient remedies for the protection of the right secured and regulating the claim of citizenship so that its exact limits may be better known and understood, but any such legislation or regulation must be subordinate to the constitutional provision and in furtherance of its purpose, and must not, in any particular, attempt to narrow or embarrass it. Hartmann v. Department of Justice, 21 FSM R. 468, 476 (Chk. 2018).

Article III, section 3 of the FSM Constitution is self-executing in that it can be given effect without the aid of legislation and there is nothing to indicate that legislation is intended to make it operative. Hartmann v. Department of Justice, 21 FSM R. 468, 476-77 (Chk. 2018).