

CHAPTER 2

Passports

SECTIONS

- § 201. **Passport issuance authority.**
- § 202. **Persons entitled to passports.**
- § 203. **Application.**
- § 204. **Fees.**
- § 205. **Duration of passports.**
- § 206. **Regulations.**
- § 207. **Passport Revolving Fund.**

§ 201. Passport issuance authority.

The President or his designee may grant, issue, renew, verify, or revoke passports for and on behalf of the Federated States of Micronesia.

Source: PL 4-25 § 1.

Cross-reference: FSM Const., art. IX, § 2(c) states as follows:

Section 2. The following powers are expressly delegated to Congress:

...

(c) to regulate immigration, emigration, naturalization, and citizenship;

...

The provisions of the Constitution are found in Part I of this code.

-

The statutory provisions on the President and the Executive are found in title 2 of this code.

§ 202. Persons entitled to passports.

No passport shall be granted to any person other than a citizen of the Federated States of Micronesia.

Source: PL 4-25 § 2.

Cross-reference: The constitutional provisions on Citizenship are found in FSM Const., art. III. The provisions of the Constitution are found in Part I of this code. The statutory provisions on Citizenship are found in title 7 of this code.

Case annotation: As a general rule, a properly filed notice of appeal transfers jurisdiction from the trial court to the appellate court, but a specific provision in the rules will control rather than a general rule to the extent that they conflict. Thus an application for release after a judgment of conviction must be made in the first instance in the court appealed from and thereafter, if an appeal is pending, a motion for release, or for modification of the conditions of release, pending review may be made to the Chuuk State Supreme Court appellate division or to a justice thereof. So that when the defendant brought an earlier motion for stay pending appeal which was granted, he should have argued the release of his passport at that time when the issue was properly before the trial court, since the considerations a court is required to undertake when granting a release pending appeal involve contemplation and possible imposition of conditions for release. *Chuuk v. Billimon*, 17 FSM R. 313, 317 (Chk. S. Ct. Tr. 2010).

§ 203. Application.

An application for a passport shall be made in such form and with such information as may be required by the President or his designee. The application and its contents shall be sworn to by the applicant. The giving of any false or misleading information in the application may be grounds for denial of the passport.

Source: PL 4-25 § 3.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code.

§ 204. Fees.

An application for a passport shall be accompanied by the payment of a fee. An application for renewal of a valid passport shall be accompanied by a fee. The President may by executive order or regulation establish different fees for application or renewal.

Source: PL 4-25 § 4; PL 14-28 § 1.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code.

§ 205. Duration of passports.

(1) A passport issued after the effective date of this Act shall be valid for a period of five years from the date

of issuance or renewal, except a shorter period of validity may be established by regulation for minors, senior citizens, and holders of official and diplomatic passports.

(2) For the avoidance of doubt, all passports issued before the effective date of this Act shall be valid for a period of ten years.

Source: PL 4-25 § 5; PL 10-140 § 1; PL 14-28 § 2; PL 14-85 § 1.

§ 206. Regulations.

The President of the Federated States of Micronesia is authorized to promulgate regulations consistently with sections 201 through 205 of this chapter to effectuate the intent and purpose thereof.

Source: PL 4-25 § 6.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

§ 207. Passport Revolving Fund.

(1) There is created and established the Passport Revolving Fund, hereinafter referred to as the “Fund,” separate from the General Fund of the Federated States of Micronesia and all other funds.

(2) The purpose of the Fund is to establish an ongoing revolving fund to allow appropriations for, and revenues from, the issuance and renewal of passports to be used for passport issuance and renewal.

(3) All future appropriations for, and revenues received from the issuance and renewal of passports shall be deposited in the Fund; provided, that at no time shall the total of monies in the Fund exceed \$100,000; and provided further, that any revenues received from the issuance and renewal of passports which would cause the total amount of monies in the Fund to exceed \$100,000 shall be deposited in the General Fund of the Federated States of Micronesia; except that during the fiscal year ending in September 2006, the total amount of monies in the Fund shall not exceed \$500,000. Any unexpended monies in this Fund shall not revert to the General Fund nor lapse at the end of the fiscal year.

(4) The Fund shall be administered by the Chief of the Division of Immigration. The Chief shall, not later than 30 days after the close of each governmental fiscal year, submit to the Attorney General a complete report of the activities and condition of the Fund for the fiscal year just closed. The Attorney General shall, within 30 days of receipt of the report from the Chief, forward the report to the President and the Congress of the Federated States of Micronesia.

(5) The Public Auditor shall audit the Fund at such times as the Public Auditor deems appropriate.

Source: PL 4-68 § 1; PL 14-28 § 3.

-

-

Cross-reference: The statutory provisions on the Public Auditor are found in chapter 5 of title 55 (Government Finance and Contracts) of this code. The statutory provisions on other imprest and revolving funds are found in chapter 6 of title 55 (Government Finance and Contracts) of this code.

Editor's note: The last word in subsection (5) was changed from “appropriated” to “appropriate” to correct a typographical error.