

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

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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

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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

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John R. Haglelgam  
President  
Federated States of Micronesia

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