

A BILL FOR AN ACT

To further amend Title 50 of the Code of the Federated States of Micronesia, as amended, by amending section 104 of chapter 1, and for other purposes.

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

1           Section 1. Section 104 of title 50 of the Code of the  
2   Federated States of Micronesia, as amended by Public Laws Nos. 5-  
3   105, 7-23, 12-65 and 14-33, is hereby further amended to read as  
4   follows:

5           "Section 104. Entry permits - Duration; Habitual  
6           residence; Change of status.

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

13          (2) *Habitual residence.*

14                  (a) A noncitizen who remains in the Federated  
15          States of Micronesia as a visitor under section 103(1)  
16          of this chapter for one year or more shall be classified  
17          as a habitual resident.

18                  (b) A habitual resident may be present in the  
19          Federated States of Micronesia only for 30 day visits as

1 permitted by section 103(1) of this chapter or for a  
2 longer period of time as permitted by section 103(2),  
3 (3), (4), (5), (6), (7), (8), (9), (10), (11) or (12) of  
4 this chapter.

5 (3) *Change of Status.*

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

16 (b) For a noncitizen to change status, he shall  
17 be required to apply for a permit reflecting his changed  
18 status and pay a fee, except that the following shall  
19 not be required to pay a fee to change immigration  
20 status:

21 (i) citizens and nationals of the United  
22 States of America, for the duration of the Compact of  
23 Free Association, [~~and~~]

24 (ii) citizens and nationals of the Republic  
25 of the Marshall Islands,

26 (iii) citizens and nationals of [~~or~~] the

1 Republic of Palau,

2 (iv) noncitizen spouse of a deceased citizen  
3 when the surviving spouse had resided in the Federated  
4 States of Micronesia for at least 20 years. [~~shall not~~  
5 ~~be required to pay a fee to change immigration status.~~]

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

15 (d) The President may impose additional  
16 conditions for such change of status.

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

19 Section 3. This act shall become law upon approval by the  
20 President of the Federated States of Micronesia or upon its  
21 becoming law without such approval.

22  
23 Date: 8/31/06

Introduced by: /s/ Dohsis Halbert  
Dohsis Halbert

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