

A BILL FOR AN ACT

To amend title 50 of the Code of the Federated States of Micronesia, as amended, by further amending section 103, as amended by Public Laws Nos. 10-14, 12-65, 14-33, and 15-27, for the purpose of allowing an entry permit for certain individuals who wish to substantially invest in the Federated States of Micronesia, and for other purposes.

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

1 Section 1. Section 103 of title 50 of the Code of the
2 Federated States of Micronesia, as amended by Public Laws Nos.
3 10-14, 12-65, 14-33, and 15-27, is hereby further amended to
4 read as follows:

5 "Section 103. Entry permits - Types.

6 (1) A permit is not required for a person
7 visiting for thirty days or less. For a visit in
8 excess of thirty days, a permit may be issued for an
9 additional period not to exceed sixty days; except
10 that, with respect to citizens and nationals of the
11 United States of America, for the effective period of
12 the Compact of Free Association, and with respect to
13 citizens and nationals of the Republic of the
14 Marshall Islands and the Republic of Palau, a permit
15 is not required for the duration of the visit, which
16 shall not exceed 365 days.

17 (2) A visitor's permit for any lawful purpose,
18 including performance of necessary services on a

1 short-term contractual basis, may be issued for a
2 period of specified duration reflecting the time
3 necessary to accomplish the purpose.

4 (3) A student permit shall be issued for a
5 specified duration reflecting a student's enrollment
6 in a school or educational program.

7 (4) A foreign government official's permit may
8 be issued to any official, employee, or contractual
9 personnel of a foreign government or governmental
10 regional or international organization who wishes to
11 enter the Federated States of Micronesia for purposes
12 of official governmental activities and who is not
13 entitled to enter the Federated States of Micronesia
14 without a permit under section 102 of this chapter.

15 (5) Notwithstanding any provision of
16 subsections (1) and (2) of this section, a person
17 entering the Federated States of Micronesia for the
18 purpose of engaging in wholesale or retail sales of
19 goods or services, or for the purpose of taking
20 orders for the purchase of goods or services, without
21 establishing a place of habitation or a place of
22 business within the Federated States of Micronesia,
23 shall be issued a salesperson's permit; PROVIDED,
24 however, that this subsection shall not apply to any
25 person who has a foreign investor's permit pursuant

1 to subsection (7) of this section.

2 (6) An alien worker's permit shall be issued
3 to a noncitizen entering the Federated States of
4 Micronesia upon compliance with all National laws
5 relating to private or governmental employment for
6 the period in which the employment of the alien
7 worker is authorized by contract. The permit shall
8 be renewed upon extension or renewal of the alien's
9 lawful employment status.

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

14 (8) A researcher's entry permit shall be
15 issued for research in the fields of endeavor that
16 the President deems in the best interest of and for
17 the well-being of the citizens of the Federated
18 States of Micronesia; PROVIDED that the President
19 receives from the researcher's intended place of stay
20 prior permission for his entry. The President may
21 attach thereto such conditions or restrictions as he
22 deems necessary.

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

1 (10) An entry permit shall be issued to a
2 lawful spouse of a citizen.

3 (a) Subject to this section and any
4 requirements set out in regulations issued pursuant
5 to section 111 of this chapter, a spouse permit
6 holder shall be permitted to undertake paid
7 employment in the Federated States of Micronesia. In
8 the absence of any regulations on this subject, a
9 spouse permit holder shall be permitted to undertake
10 paid employment in the Federated States of Micronesia
11 only if he or she has been a resident of the
12 Federated States of Micronesia for the 5 years prior
13 to commencing employment and/or has been married to a
14 citizen of the Federated States of Micronesia for the
15 5 years prior to commencing employment. For the
16 avoidance of doubt, a spouse permit holder may
17 undertake paid employment without obtaining a change
18 of status approval pursuant to section 104 of this
19 chapter, however, such employment must be obtained in
20 accordance with the requirements for hiring non-
21 resident workers contained in title 51 of the Code of
22 the Federated States of Micronesia.

23 (b) A spouse permit may be revoked or denied,
24 in accordance with the provisions of this chapter,
25 upon a finding that (i) the parties are divorced, the

1 parties are irreconcilably separated, or the citizen-
2 spouse is deceased; and (ii) the revocation or denial
3 is in the best interests of the Federated States of
4 Micronesia, provided that the spouse permit of a
5 noncitizen surviving spouse of a deceased citizen who
6 had been married to the citizen spouse for at least
7 twenty (20) years, regardless of place of residence
8 during the marriage, shall not be revoked or denied
9 unless the surviving spouse remarries a non-citizen.

10 (c) Except in extraordinary circumstances, no
11 action to revoke or deny a spouse permit on the
12 grounds of death of the citizen-spouse shall be taken
13 for a period of six months from the date of death of
14 the citizen-spouse.

15 (11) A dependent's entry permit may be issued
16 to an unmarried child, under the age of 18, of a
17 citizen or a noncitizen spouse, subject to the
18 conditions in subsection (10) of this section.

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

25 (13) A welcomed retiree permit shall be issued

1 to any person over the age of 60 who has invested a
2 substantial sum in the Federated States of
3 Micronesia.

4 (a) For purposes of this subsection,
5 'substantial sum' means one million or more United
6 States Dollars.

7 (b) In the case of a lawfully married couple,
8 the investment of each spouse may be attributed to
9 the principal investor spouse for purposes of
10 satisfying the substantial sum threshold of this
11 subsection.

12 (c) A qualifying investment for purposes of
13 this subsection must be ongoing and of a substantial
14 sum at the time of issuance of the permit.

15 (d) A welcomed retiree permit described in this
16 subsection shall be issued for the duration of the
17 life of the principal investor or for the duration of
18 an investment of a substantial sum of the principal
19 investor, whichever is shorter.

20 (e) A permit issued to a spouse of the
21 principal investor pursuant to subsection 12 of this
22 section shall remain valid notwithstanding the death
23 of the principal investor, so long as the investment
24 qualifying the principal remains ongoing and of a
25 substantial sum.

1 (f) Nothing in this subsection shall be
2 construed to deny any holder of a welcomed retiree
3 permit from investing additionally or separately in
4 the Federated States of Micronesia and thereafter
5 relying upon such additional or separate investment
6 as the qualifying investment of a substantial sum."

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

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Date: 5/30/11

Introduced by: /s/ Isaac V. Figir
Isaac V. Figir