

STANDING COMMITTEE REPORT NO. 17-114

RE: C.B. NO. 17-64/J&GO

SUBJECT: DEFINING THE RIGHTS OF NATIONALS
OF THE FEDERATED STATES OF MICRONESIA

MARCH 31, 2012

The Honorable Isaac V. Figir
Speaker, Seventeenth Congress
Federated States of Micronesia
Third Special Session, 2012

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 17-64, entitled:

"A BILL FOR AN ACT TO AMEND TITLE 7 OF THE CODE OF THE
FEDERATED STATES OF MICRONESIA, AS AMENDED BY PUBLIC LAW NO.
15-28, BY ADDING A NEW CHAPTER TO DEFINE THE GENERAL RIGHTS
AND OBLIGATIONS OF NATIONALS OF THE FEDERATED STATES OF
MICRONESIA, AND FOR OTHER PURPOSES."

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

The FSM Constitution provides that any person born of one or two FSM-citizen parents is both a citizen and a national of the FSM. Although individuals may lose their FSM citizenship, most commonly by dual citizens failing to elect to retain their FSM citizenship and renounce their other citizenship within three years of their eighteenth birthday, such individuals retain their status as nationals of the FSM. However, the law is currently silent on the practical consequences of such a status. This bill is intended to define and clarify the rights of noncitizen FSM nationals.

STANDING COMMITTEE REPORT NO. 17-114

RE: C.B. NO. 17-64/J&GO

SUBJECT: DEFINING THE RIGHTS OF NATIONALS
OF THE FEDERATED STATES OF MICRONESIA

MARCH 31, 2012

State hearings were held on this bill in Yap on September 25, 2011, in Chuuk on September 27, 2011, in Kosrae on September 31, 2011 and in Pohnpei on February 8, 2012. Participants at all of these hearings, including representatives of the executives and legislatures of the States, unanimously supported the bills' objectives of defining the rights and responsibilities of non-citizen nationals, including the right to reside and work in the FSM.

National hearings were held on this bill in Palikir on January 24, 2012 and March 29, 2012. At these hearings, the Chief of Immigration and Labor stated there were no figures for how many non-citizen nationals were currently in the FSM. He pointed out that those who were US citizens were currently able to live and work in the FSM because of the Compact of Free Association with the United States, but that those who were citizens of other nations, such as Japan, China, or the Philippines, had no such rights. The Chief stated that the bill would be a good step forward for the FSM, noting also that some nationals had unwittingly lost their citizenship by failing to make a declaration within the time required by Article III of the Constitution.

The Committee emphasized that the bill does not grant FSM nationals all of the rights of FSM citizenship, and should not be seen as resolving the ongoing debate over dual citizenship. Rather, it recognizes, as does our Constitution, that non-citizen nationals are still members of our Micronesian family, and the rights granted to them by this bill would enable them to maintain their ties with the Nation.

Your Committee received no comments in opposition to passage of the bill. However, at several of the hearings, witnesses questioned whether any distinction should be made between nationals residing in the FSM and those living elsewhere. Your Committee agrees that all FSM nationals are members of our Micronesian family and that no such distinction should be made. In addition, the specific listing in the bill of certain rights reserved to citizens under the Constitution apparently caused confusion. Your Committee believes it is cleaner to let the Constitution speak for itself with respect to such rights.

In addition, your Committee heard concerns about the breadth of the bill and two accompanying bills, C.B. Nos. 17-63 and 17-65, also

STANDING COMMITTEE REPORT NO. 17-114

RE: C.B. NO. 17-64/J&GO

SUBJECT: DEFINING THE RIGHTS OF NATIONALS
OF THE FEDERATED STATES OF MICRONESIA

MARCH 31, 2012

dealing with nationals, and in particular the granting of passports to noncitizens and the ability of noncitizens to bring dependents in to the FSM. The Committee therefore proposed focusing this bill on the rights to enter, reside, and work in the FSM, specifying that these rights do not extend to dependents, and providing for the issuance of an identity document to nationals. These proposals were presented at the second Palikir hearing, and no objections were raised by the Department of Justice or the Office of Immigration and Labor.

Your Committee therefore recommends the following changes to the bill:

1. Title, line three, delete "general".
2. Title, line three, delete "and obligations".
3. Title, line four, after "Federated States of Micronesia", insert "to enter, reside, and work in the Federated States of Micronesia".
4. Page 1, line 18, delete "a national" and insert "noncitizen nationals" in lieu thereof.
5. Page 1, line 19, delete "who is a permanent resident".
6. Page 2, line 1, delete ", privileges, duties, and obligations of a citizen" and insert "of citizens" in lieu thereof.
7. Page 2, line 3, after "Federated States of Micronesia", insert "to enter, reside, and work in the Federated States of Micronesia".
8. Page 2, line 4, after "pursuant to this Code", insert "and any obligations associated with these rights. These rights shall be limited to such nationals as individuals and shall not entitle the dependents of such nationals to any additional rights or privileges. Such nationals shall be issued with an identification document upon presenting appropriate proof of their status to the President or his designee, and shall require no additional documentation, permit, or registration not required of citizens of the Federated States of Micronesia to establish or exercise these rights."
9. Page 2, line 4, delete ", except that a non-citizen national shall: (1) not be eligible to vote or be nominated as a candidate in any national election; (2) not be eligible to own land or real property, where such ownership is restricted to citizens".

STANDING COMMITTEE REPORT NO. 17-114

RE: C.B. NO. 17-64/J&GO

SUBJECT: DEFINING THE RIGHTS OF NATIONALS
OF THE FEDERATED STATES OF MICRONESIA

MARCH 31, 2012

10. Page 2, line 21, insert "Section 5. Title 7 of the Code of the Federated States of Micronesia, as amended by Public Law No. 15-28, is hereby further amended by adding a new section 304 to read as follows: 'Section 304. Issuance of regulations. The President or his designee shall promulgate regulations consistent with the contents and intent of this chapter.'" "
11. Page 2, line 25, delete "5" and insert "6" in lieu thereof.

Your Committee on Judiciary and Government Operations is in accord with the intent and purpose of C.B. No. 17-64, and recommends its passage on First Reading, and that it be placed on the Calendar for Second and Final reading in the form attached hereto as C.B. No. 17-64, C.D.1.

STANDING COMMITTEE REPORT NO. 17-114

RE: C.B. NO. 17-64/J&GO

SUBJECT: DEFINING THE RIGHTS OF NATIONALS
OF THE FEDERATED STATES OF MICRONESIA

MARCH 31, 2012

Respectfully submitted,

/s/ David W. Panuelo
David W. Panuelo, chairman

/s/ Bonsiano F. Nethon
Bonsiano F. Nethon, vice chairman

/s/ Tiwiter Aritos
Tiwiter Aritos, member

/s/ Isaac V. Figir
Isaac V. Figir, member

/s/ Yosiwo P. George
Yosiwo P. George, member

Dohsis Halbert, member

Roger S. Mori, member