

STANDING COMMITTEE REPORT NO. 19-116

RE: C.B. NO. 19-121/J&GO

SUBJECT: PROVIDING THAT AS A MATTER OF EVIDENCE  
THE RENEWAL OF FSM PASSPORTS CONSTITUTES  
A REBUTTABLE PRESUMPTION OF RENUNCIATION  
OF DUAL CITIZENSHIP

FEBRUARY 11, 2016

The Honorable Wesley W. Simina  
Speaker, Nineteenth Congress  
Federated States of Micronesia  
Third Regular Session, 2016

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 19-121, entitled:

"A BILL FOR AN ACT TO AMEND SECTION 203 OF TITLE 7 OF  
THE CODE OF THE FEDERATED STATES OF MICRONESIA  
(ANNOTATED), TO PROVIDE THAT AS A MATTER OF EVIDENCE  
THE RENEWAL OF FSM PASSPORTS CONSTITUTES A REBUTTABLE  
PRESUMPTION OF RENUNCIATION OF DUAL CITIZENSHIP, AND  
FOR OTHER PURPOSES.",

begs leave to report as follows:

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

**Public Hearing**

Your Committee held a public hearing on the bill on February 10, 2016.

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Present at the hearing were representatives from the Department of Justice, from the Division of Immigration, and from the Office of the President.

Your Chairman opened the hearing and welcomed the witnesses.

The representatives from the Department of Justice made it clear at the outset that the Department supports the *intent* of the bill, but that they have some concerns about the *form* of the bill as written. Specifically, they were concerned that the bill currently only applies to FSM citizens, as opposed to FSM nationals. Your Committee and the representatives engaged in a lengthy back and forth in exploring this concern. Ultimately, it seemed that everyone agreed that the same group of individuals were the ones to be helped by this bill, but that your Committee and the witnesses differed on the correct term to apply to these individuals: citizen versus national. Essentially, the bill was intended to apply to those FSM passport holders older than 21 who want to renew their passports without having to scramble at the last minute to create evidence of having previously renounced foreign citizenship.

Your Committee recommended, and the representative from the Department of Justice agreed, that the initial application for an FSM passport should contain language to the effect that signing the application constituted a declaration of renunciation of foreign citizenship. Apparently, previous versions of the initial application had contained this language, but the current version does not.

Your Committee and the representatives also discussed the possibility of reducing the required number of passport renewals to one, rather than two, as the bill currently requires.

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The representative from the Division of Immigration was also supportive of the bill so long as everyone remained mindful of where the country wants to go with respect to the larger issue of dual citizenship.

Your Committee then questioned the witnesses as to whether they thought this bill would operate as a back door to dual citizenship given that there are numerous individuals over 21 who currently hold two passports. The witnesses explained that at present there is no way for FSM Immigration to obtain information from the U.S. to confirm that an individual is a U.S. citizen. However, if FSM Immigration does discover this, they will cancel that individual's FSM passport. In response to further questioning, the representative from the Division of Immigration explained that the way to track individuals who might potentially hold two passports is the following: at the time of an initial FSM passport application, FSM immigration makes note of the foreign birthplace listed on the applicant's birth certificate. He went on to explain that passage of the current bill would most likely necessitate an increase in funding for the Division due to the need for additional personnel.

Your Committee asked if the Department of Justice thought the bill should be amended to make it retroactive. The representative from the Department indicated that making it retroactive would be problematic, but further consideration would need to be given to this idea.

Your Committee and the witnesses then engaged in a discussion of the naturalization process and what effect, if any, the passage of the bill would have on that process. The representative from the Department of Justice indicated that passage of the bill would affect the naturalization process. He further explained that, due to the naturalization law passed several years ago, FSM nationals have the statutory right to enter, live, and work in the FSM, but they do not

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have the right to vote or own land. At present, the representative from the Division of Immigration explained that the only way to identify an FSM national is by rejecting that individual's application for an FSM passport when a determination is made that the individual failed to comply with the provisions of section 203 of title 7 of the FSM Code. Although the naturalization law requires that FSM nationals be issued "an identification document" of their status, such documents have yet to be issued.

Your Committee provided examples of individuals who had experienced problems renewing their passports because they could not provide, or were having great difficulty providing, affirmative evidence that they had renounced their citizenship of a nation other than the FSM. The representative from the Division of Immigration informed your Committee that at present they have 14 applications for renewal that are on hold pending receipt of such affirmative evidence. He also conceded that perhaps there were many more people who might be in a similar situation but who perhaps chose not to apply knowing that they would be rejected in the absence of such evidence. Your Committee indicated that the larger number of such individuals seemed more consistent with their understanding of the current situation.

During the hearing your Committee raised a separate, but related, concern the fact that many foreign born FSM citizens currently living abroad have no idea that they must take any action to retain or ultimately restore their FSM citizenship. Your Committee recommended that the Department of Justice consider undertaking a public information campaign to educate these young FSM citizens to minimize the chance that the Division of Immigration may be faced with many more frustrated FSM citizens and/or nationals in the future.

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**Request to the Department of Justice**

Before closing the hearing, your Committee requested that the Department of Justice further consider the text of the bill and submit in writing to your Committee any additional comments or recommended revisions to the bill as currently drafted.

**Conclusion**

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 19-121 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.

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Respectfully submitted,

/s/ Tiwiter Aritos  
Tiwiter Aritos, chairman

Alik L. Alik, vice chairman

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

/s/ Berney Martin  
Berney Martin, member

/s/ Esmond B. Moses  
Esmond B. Moses, member

/s/ Robson U. Romolow  
Robson U. Romolow, member

/s/ Wesley W. Simina  
Wesley W. Simina, member