

## Part 1.

### GENERAL PROVISIONS.

#### 1.1. Authority.

These regulations are promulgated pursuant to the FSM Immigration Act, P.L. 1-130, 50 FSMC 101-112, and to 18 FSMC 203. They are promulgated by the President under the authority given him by Section 111 of that Act (50 FSMC 111). These regulations and any amendments hereto shall have the force and effect of law.

#### 1.2. Delegation of Authority.

Pursuant to 50 FSMC 106 the power to enforce the Act and these regulations is hereby delegated to the Attorney General and the Chief of Immigration as described herein.

#### 1.3. Purpose and Applicability.

The purpose of these regulations is to implement the provisions of the FSM Immigration Act and to control the entry, presence and departure of noncitizens, foreign vessels and foreign aircraft in the FSM. These regulations apply to all noncitizens, foreign vessels and foreign aircraft unless otherwise provided by law.

#### 1.4. Definitions.

For the purpose of these regulations, unless the context requires a different meaning.

(a) "Noncitizen" means a person who is not a citizen of the Federated States of Micronesia or the Trust Territory of the Pacific Islands. Upon termination of the Trusteeship of the Pacific Islands, "Noncitizen" shall mean any person who is not a citizen of the Federated States of Micronesia.

(b) "Vessel" means a seagoing vessel or watercraft of any size whatsoever.

(c) "Pleasure Vessel" means any vessel whose primary use is not the commercial transportation of passengers or freight, fishing, dredging, or other commercial use.

(d) "Foreign Vessel" means any vessel which is (a) not entirely owned by citizens of the FSM or registered in the FSM, and (b) during the Trusteeship not registered by the trust Territory administration, and (c) not entirely controlled by citizens of the FSM and (d) of foreign registry not chartered by citizens of the FSM. Upon termination of the Trusteeship "Foreign Vessel" shall mean any vessel which is not entirely owned by a citizen of the FSM or registered in the FSM.

(e) "Foreign Aircraft" means any aircraft of which is (a) not entirely owned by citizens of the FSM or registered in the FSM, and (b) during the Trusteeship not registered by the Trust Territory administration, and (c) not entirely controlled by citizens of the FSM and (d) of foreign registry not chartered by citizens of the FSM. Upon termination of the Trusteeship "Foreign Aircraft" shall mean any aircraft which is not entirely owned by a citizen of the FSM or registered in the FSM.

(f) "Attorney General" means the Attorney General for the Federated States of Micronesia.

(g) "Chief" means the Attorney General's Chief of the Division of Immigration.

(h) "Immediate family dependents" means a spouse, natural or legally adopted child under 18 years, or a person who actually depends for his or her subsistence on the permitted noncitizen and who has been so dependent for at least two years prior to application for an entry permit.

## PART 2.

### VISITORS

#### 2.1.Entry Permit; when required.

No written entry permit, other than a Form 958, shall be required for a noncitizen visiting the for 30 days or less, provided that the noncitizen otherwise complies with the health and identification requirements of these regulations and with the requirements of proof of onward travel. Noncitizen activities as a visitor may include tourism, short term contract employment, and activities as a businessperson. For activities other than that of visitor, a written entry permit, other than Form 958, shall be required and shall classify the entrant for one of the types of activity listed in 50 FSMC 103.

#### 2.2.Proof of onward travel required.

(a)Every visitor shall demonstrate the ability to travel onward beyond the FSM and to leave the FSM at the end of the visit. This proof of onward travel shall either take the form of a ticket valid on any commercial carrier showing the visitor's right to be transported beyond the jurisdiction of the FSM, or take the form of any other proof satisfactory to the Chief of Immigration to show that the noncitizen will be able to leave the FSM upon expiration of the visit or otherwise. A visitor entering by pleasure vessel may demonstrate his or her proof of onward travel by meeting the requirements of this section or the Pleasure Vessel Part of these regulations.

(b)Visitors arriving in the FSM without a ticket for onward travel may, at the discretion of the Chief, be permitted entry to the FSM provided that the noncitizen shall be required to purchase such a ticket immediately. Such purchase shall be considered satisfactory proof of onward travel.

(c)The visitor's proof of onward travel must be to a destination where his or her passport or appropriate travel documents will allow entry.

(d)A visitor who does not demonstrate proof of onward travel may be denied entry, excluded or deported.

#### 2.3.Exchange of onward ticket prohibited.

No noncitizen shall sell, exchange, give away, transfer or otherwise relinquish his or her ticket that was used as proof of onward travel without the written permission of the Chief or his designee. Such permission shall not be withheld if the noncitizen can otherwise satisfy the requirements of proof of timely onward travel under any Part of these regulations.

No commercial carrier or agent or employee of a commercial carrier or agent shall refund, exchange, transfer or otherwise cancel a noncitizen's ticket for onward travel beyond the FSM without the written consent of the Chief or the Chief's designee, provided that, such carriers may exchange such tickets if they are replaced with tickets for travel to some other destination outside of the FSM such that the noncitizen's ability to leave the FSM remains timely and unimpaired. A violation of this section shall make the violator liable to the FSM Government for any costs incurred by the Government in providing onward transportation to a noncitizen who is without the financial ability to travel to outside the FSM.

#### 2.4. Extension of 30 day visit.

(a) Any noncitizen who wishes to remain in the FSM beyond the initial 30 day visit shall personally appear at the Immigration Office in any State and shall make application for a written extension of the visitor's permit. Such application shall be made in a form prescribed by the Chief.

(b) The extension may be requested for up to an additional 60 days if the purpose of the extension is to continue the applicant's status as a visitor to the FSM or for any other lawful purpose, including short term contract, employment not to exceed a total of 90 days when a copy of the employment contract or some similar written description of the employment is presented along with the application for a visitor's extension. All such contracts or descriptions of employment shall be forwarded to the Division of Labor.

(c) The extension shall be granted by any Immigration Officer unless the Chief makes a written finding that one of the standards for exclusion listed in 50 FSMC 107, or these regulations, is present.

(d) Visitors wishing to stay in the FSM beyond 90 days shall appear personally at the Immigration Office of any State and make application for a visitor's permit for a specified period of time explaining the need for the additional time for the visit. Such an application shall be promptly forwarded to the Chief who shall grant or deny the permit, providing written reasons for his decision.

#### 2.5. Responsibility of visitor to depart.

(a) Each Visitor shall, upon entering the FSM provide the Immigration Division an address where the visitor can be reached while in the FSM. Such listing shall be in a form prescribed by the Chief. The visitor shall notify any Immigration Office of a change in address by giving written notice to the Immigration Division.

(b) Not less than five days before the expiration of the visitor's permission to remain in the FSM, the Immigration Division shall give the visitor written notice of his or her obligation to depart the FSM. Such notice may be delivered in person or to the visitor's most recent address as listed with the Immigration Division.

(c) Upon delivery of notice from the Immigration Division it shall be the responsibility of the visitor to depart the FSM by the expiration date of the entry permit or to apply for an extension of his or her permission to remain in the FSM. Failure of timely delivery of the notice shall not excuse the noncitizen from compliance with these regulations but the noncitizen shall have 5 days after delivery of notice in which to take the required action.

#### 2.6. Revocation of permit.

A visitor permit or entry permission may be revoked by the Immigration Division upon a written finding that any of the standards for exclusion or deportation set out in 50 FSMC 107 or these regulations are met in the particular case. Before revoking entry permission or a visitor's permit, the Immigration Division shall notify the visitor at the visitor's address of record in writing of the intent to revoke. The notice shall offer the visitor an informal hearing before the officer in charge of the local Immigration Office. At the hearing, the visitor shall have the opportunity to be represented by counsel at his or her own expense and to explain why his or her entry permission or permit should not be revoked. If, after the hearing, the officer in charge revokes the permit, the visitor may appeal that decision to the Chief by very promptly making a brief, written statement of the appeal including supporting reasons, and filing that statement with the officer whose decision is appealed or with the Chief. The officer shall immediately forward the appeal to the Chief. The Chief shall review the case promptly and shall render a written decision within 5 working days of receiving the appeal and either affirm, reverse, or modify the revocation of the permit or entry

permission. Further appeal may be taken as provided by the Appeals paragraph of these Regulations.

## 2.7. Additional documents required.

All persons entering the FSM shall have in their possession at the time of their entry the following documents, and shall present such documents for inspection upon entry and upon demand at other reasonable times:

(a) Citizens of the FSM, Trust Territory, or the United States, shall prove citizenship or nationality by possessing a passport, birth certificate, or FSM entry permit.

(b) All other persons shall prove citizenship or nationality by possessing a passport or other travel document issued by the government of the country of such person's citizenship or nationality containing either a photograph or a fingerprint of the holder. The document must be valid at the time of entry and for a period of not less than 120 days beyond the date of entry into the FSM. Such document shall show no qualification impairing the holder from effective and timely departure from the FSM.

(c) All persons shall possess a valid international certificate of vaccination, or its local equivalent, against any of the following diseases in the event that the visitor is entering the FSM from an area infected with such disease as cited in the Local Infected Area List as published in the World Health Organization Epidemiological Record:

(1) Small pox

(2) Yellow fever

(3) Cholera

(4) Any other disease that may from time to time be added to this list by the Chief of Health Services of the FSM.

(d) All noncitizens without a valid entry permit shall present to Immigration Officials a completed Form 958 or its equivalent as furnished by a carrier prior to arrival at the point of entry, or as obtained by the visitor and filled out immediately upon seeking entry into the FSM.

## PART 3.

### ALIEN WORKERS

#### 3.1. Government workers.

A permit to enter the FSM as an alien worker shall be issued to a person entering the FSM for purposes of employment with the FSM Government or the Government of a State or municipality, the government of a foreign state, or, during the Trusteeship, the Government of the Trust Territory of the Pacific Islands. Such permit shall be issued upon presentation of the employment contract of the person or other similar documentation and shall be issued for the length of the contract. Permits for the immediate family dependents of the employee shall be issued for the same length of time. The Chief may require a statement sworn under penalty of perjury as proof of dependency.

#### 3.2. Nongovernment workers.

Nongovernment workers shall be issued entry permits upon application by their employer and proof of compliance with all relevant immigration and labor laws. A permit shall be issued for the length of the employment contract.

### 3.3. Other documentation.

Employees entering the FSM must have in their possession and present upon entry the identification and health documents required of visitors under these regulations. Dependents entering with any employee may be required to provide a sworn statement of dependency, sworn under penalty of perjury.

### 3.4. Persons hired within the FSM.

(a) A noncitizen who is in the FSM with a status other than alien worker and who obtains employment may remain without changing status as long as that other status is valid or may change to alien worker status. This change must be made if the other status ends.

(b) A person who is in the FSM with alien worker status and who changes employers shall immediately make application for a new alien worker's permit. The permit shall be issued upon compliance with these regulations and applicable labor statutes and regulations. The issuance of a new permit pursuant to this paragraph will not be deemed a change of status.

### 3.5. Labor laws unaffected.

Nothing in these regulations shall be construed to allow a person not to comply with any statute or regulation regulating labor within the FSM. No person will be issued an alien worker's permit until he or she produces satisfactory evidence that any necessary labor permit has been issued.

## PART 4.

### FOREIGN INVESTOR'S PERMIT

#### 4.1. Initial issuance.

A foreign investor entry permit will be issued upon written application and compliance with the provisions of Section 3.3. The application shall be made by the person in whose name the foreign investment business permit is to issue. In the event the foreign investment business permit is issued in the name of more than one person or in the name of a corporation, the application shall be made by any one person so named or by the president or secretary of the corporation. The application shall include a copy of the foreign investment business permit and such other information as the Chief may specify.

#### 4.2. Persons permitted.

Foreign investor permits will be issued to noncitizens specifically referred to in the foreign investment business permit. If the foreign investment business permit does not name individuals, or if it contemplates a specific number of unnamed noncitizens working in the FSM, then permits will be issued to such aliens when the applicant specifies who the aliens are and provides the other information required by law and by these regulations. If the foreign investment business permit does not specify a number of aliens to work in the FSM, the Chief shall request such a specification from the Foreign Investment Board. If the Board's response differs from the applicant's request the Chief shall issue the number of permits specified by the Board unless, in the Chief's discretion, he finds good cause to issue more permits.

#### 4.3. Additional workers.

If during the course of the investor's activities pursuant to a foreign investment business permit the investor finds it necessary to hire additional noncitizen workers, application for permits for such workers shall be made pursuant to the Alien Workers Part of these regulations and pursuant to the applicable labor statutes.

#### 4.4. Duration.

Foreign investor entry permits shall be issued for a length of time equal to the length of the foreign investment business permit. If the foreign-investment business permit does not specify a time, the permit shall be issued for a period of 2 years and shall be renewed upon request of the applicant so long as the foreign investment business permit remains valid and the person remains not, subject to exclusion. If the foreign investment business permit is cancelled, revoked, expired or otherwise rendered invalid, all entry permits issued pursuant to the foreign investment business permit shall be cancelled.

### PART 5.

#### RESEARCHERS PERMIT

##### 5.1. Application; issuance.

Application for a researcher's permit shall be made to the Chief, setting out full details of the type, location and duration of the research and the staff, equipment and living arrangements to be used. The Chief shall consult with the President and the Governor of the affected State(s) and shall make a finding of whether the proposed research is in the best interests of and for the well being of the citizens of the FSM. If the permit is issued, it may contain such written restrictions as the Chief, in his discretion, deems appropriate. The duration of the permit shall be for a period of time reasonable for completion of the research but not longer than 2 years. The permit shall be renewable for an additional period at the discretion of the Chief.

### PART 6.

#### MISSIONARY PERMIT.

##### 6.1. Ordained clergy.

A missionary permit shall be issued to an applicant and his or her dependants who provide documentary proof of his or her status as a licensed and ordained minister of a bona fide religion. The duration of the permit shall be 1 year. The permit shall be renewed upon a reasonable showing that the status of the applicant in his or her church is unchanged.

##### 6.2. Other persons.

Missionary permits will be issued to nonclergy only upon a documentary showing that the applicants' activities within the FSM are substantially connected with a bona fide religious, or missionary activity within the FSM. The Chief may require such explanation or proof, in written or oral form, as will enable him to evaluate each application. Such a permit will be issued for 1 year

and shall be renewed upon a reasonable showing that the applicant's status and activities remain, unchanged.

## PART 7.

### SPOUSE PERMITS.

A spouse permit shall issue to a noncitizen applicant who provides adequate evidence of his or her marriage to an FSM citizen. Upon the presentation of satisfactory evidence, the Immigration Division shall issue a spouse entry permit which shall be of 1 year duration unless cancelled or revoked earlier by law or by a written determination by the Chief that the reasons for issuance of the permit are no longer applicable. The permit shall be renewed annually upon a reasonable showing that the marriage is still intact and the parties are not irreconcilably separated.

## PART 8.

### PLEASURE VESSELS AND NONCOMMERCIAL AIRCRAFT.

#### 8.1. Permits required.

Any pleasure vessel entering the FSM is required to have an entry permit on board at the time of its entry or to make application for such a permit immediately upon its entry into the FSM. The crew and passengers on a pleasure vessel are subject to the visitor provisions and other applicable sections of these regulations as applicable.

#### 8.2. Applications.

The Chief shall prepare application forms for entry permits for pleasure vessels. Such applications shall require the following information and such other information as the Chief shall specify:

- (1) Name of vessel.
- (2) Type or general description of vessel
- (3) Purpose of entry
- (4) Place of registry and registration number
- (5) Name, nationality and address of the master or captain
- (6) Name, nationality and address of owner
- (7) Call sign or any other identifying sign
- (8) Length, breadth, and gross and net tonnage of the vessel
- (9) Last port of call
- (10) Last port of call outside of FSM
- (11) Next expected, port of call
- (12) Any dangerous weapons on board or in possession of the crew or passengers
- (13) A list of all persons on board the vessel along with their passports or other identification as required by Section 2.7.

(14)A statement of whether the vessel has entered the FSM in any form of distress, and if distress is claimed, a specific statement of the nature of the distress and how it will be alleviated.

### 8.3.Procedure for application.

Pleasure vessels shall enter the FSM only at officially designated Ports of Entry listed in 18 FSMC 202, as amended, or section 11.7 of these regulations. Vessels entering at any other location shall be immediately instructed to proceed to a designated Port of Entry. Entering vessels shall immediately present their entry permits to the Immigration Division representative or shall present the captain who shall immediately make application for an entry permit for the vessel.

### 8.4.Investigation.

(a)The Immigration Division shall promptly cause the appropriate authorities to make a complete investigation of the entering vessel and her crew. Such investigation shall include an inspection of the vessel for any contraband and for the presence of any person with any communicable disease. The health authorities of the FSM or any State may prescribe in writing any appropriate quarantine measures. The vessel and crew shall immediately comply with any such quarantine orders.

(b)Any dangerous weapons found on the vessel shall be removed from the vessel and held by the FSM government. All such weapons shall be returned to the vessel when the vessel departs. Weapons not declared in the entry permit application shall be forfeit to the FSM.

### 8.5.Issuance of permit.

Upon application for an entry permit and completion of the necessary inspection, the Immigration Division shall issue an entry permit to a pleasure vessel unless one of the standards for exclusion found at 50 FSMC 107 or in these regulations applies to the case or contraband has been found on board the boat or some other provision of this Part of these regulations has not been complied with. The permit shall be issued for a length of time equal to the shortest length of time for which a permit has been issued to any person arriving on the vessel.

### 8.6.Security to assure support.

(a)The Immigration Division shall satisfy itself that all persons entering the FSM on a pleasure vessel will be able to support themselves during their visit and will not become public charges. The Immigration division may require that such visitors show proof of their ability to support themselves. Such proof may be in the form of cash, valid credit cards banking documents, letters of credit or other evidence of ability to meet the expenses of the visit.

(b)If the Immigration Division is not satisfied that the visitors can support themselves it shall make a written finding to that effect, setting out the reasons therefor.

(c)Upon making such written finding the Immigration Division may require that the vessel post a cash bond of \$100 per person arriving on the vessel for each week that such arriving people will be staying, in the FSM. Upon request of the visitors, the Immigration Division shall return such amounts of the bond as represent the weekly bond for the weeks that have passed during the visitor's stay. For example, a pleasure vessel arriving with two people and permitted to visit for six weeks could be required to post a cash bond of \$1,200.00. After three weeks of the visit, upon request of the visitors, \$600.00 will be returned to them. The bond may be used by Immigration to pay debts incurred locally by the vessel, crew and passengers after a written claim is made by a local merchant, hotel keeper or other person and after the visitors are given 7 days written notice of the intent to so use the bond. Upon departure of the vessel the Immigration



Division shall return all bond monies that have not been spent for the support or maintenance of the people arriving on the vessel.

#### 8.7. Full crew must depart.

No pleasure vessel shall be allowed to leave the FSM without taking with her all of the passengers and crew that arrived with her unless it is proven to the satisfaction of the Immigration Division that such people have left the FSM in other ways or have otherwise made adequate arrangements to leave the FSM.

#### 8.8. Vessels entering in distress.

(a) Vessels entering the FSM in distress shall so declare on their application for an entry permit, explaining the nature of the distress and how the distress will be dealt with. Vessels entering in distress shall be allowed a 30 day visitor permit provided that they meet all applicable health or quarantine requirements. The permit shall be extended for an additional 60 days if the distress has not been remedied after the initial 30 days.

(b) When the entry permits expire for passengers and crew who arrived on the distressed vessel, they must leave the FSM regardless of the continued presence or permit status of the vessel. At such time, the vessel may remain in the FSM for an additional 90 days if the owner or the operator can show that a custodian of the vessel has been appointed. The custodian must be a person who can legally, remain in the FSM during the 90 days. The custodian shall be responsible for maintenance, security, and seaworthiness of the vessel, and for assuring that it does not become a hazard to navigation. If no custodian is provided, and the passengers and crew that arrived on the distressed vessel must leave the FSM, the vessel shall be forfeit to the FSM.

(c) At the end of the additional 90 days the vessel shall leave the FSM or be forfeit to the FSM, provided, that the Attorney General may in his discretion extend the permit of the vessel for 30 day periods for reasons of distress or weather.

#### 8.9. Application to aircraft.

All provisions of this Part apply with equal authority to any foreign aircraft entering in the FSM. The Chief may make reasonable accommodation to regularly scheduled aircraft and shipping to allow entry without repeated application for permission.

### PART 9.

#### BEST INTERESTS OF THE GOVERNMENT

##### 9.1. Delegation of Authority

The responsibility and authority for making a finding that the entry of a particular noncitizen is not in the best interests of the FSM is delegated to the Chief.

##### 9.2. Procedure.

The Chief may deny, revoke or cancel an entry permit, or permission to enter or remain in the FSM upon making a written finding that the presence of a particular noncitizen is not in the best interests of the FSM. The finding shall set out the reasons therefor. Notice of such a finding shall be delivered personally to the noncitizen if the noncitizen is in the FSM. If the noncitizen is not in

the FSM notice shall be delivered or sent in away reasonably calculated to promptly reach the noncitizen.

### 9.3.Criteria.

A finding that an noncitizen's presence is not in the best interests of the FSM may be based on any of the following:

(a)A showing that any of the reasons for exclusion or deportation listed at 50 FSMC 107 is present.

(b)A showing that the alien is likely to become a public charge, that he or she will be unable to support himself or herself, or that any dependents accompanying the alien are likely to be come a public charge.

(c)A showing that the alien is carrying, bringing, or intending to carry or bring into the FSM controlled substances or dangerous weapons for purposes other than personal protection while on a pleasure vessel.

(d)A showing that the noncitizen has not paid his or her debts in the FSM.

(e)A showing that the noncitizen has not supported his or her children who are residing in the FSM although the noncitizen had resources with which to provide such support. The fact that the noncitizen is subject to a law in his or her home country requiring him or her to send to the home country a portion of all money earned in the FSM shall not be an answer or defense to such a showing.

(f)A showing that the best interests of the FSM or FSM citizens will not be served by the presence of the noncitizen provided that such a showing must include a specification of the interest involved and an explanation of how that interest will not be served by the presence of the alien and, provided further, that the Attorney General concurs in writing in such a finding, specification, and explanation.

### 9.4.Appeal.

For purposes of this Part only, a noncitizen may appeal the action taken by the Chief or the Attorney General by filing, within 3 working days of the notice of the action, a written appeal to the President setting out the reasons why the action is wrong. The noncitizen may be represented by counsel at his or her own expense. The President or his designee may promptly schedule a hearing and shall review the entire record and shall affirm, reverse, or modify the action. During the tendency of the appeal the Attorney General may order that the noncitizen be held in custody in a manner reasonably calculated to protect the FSM and its citizens and to assure that the noncitizen will leave the FSM promptly if the appeal is unsuccessful.

## PART 10.

### ALIEN REGISTRATION

#### 10.1.Registration required.

All resident noncitizens in the FSM must register annually with the Chief as required by this Part. For purposes of this Part "resident noncitizens" means noncitizens who:

(a)Have resided in the FSM for 90 or more days of the preceding or current calendar year, or

(b)Intend to reside in the FSM for 90 or more days of the current calendar year.

## 10.2. Residents of State administrative centers.

Resident noncitizens living on Kosrae Island, Pohnpei Island, and on an island in the Truk Lagoon, and Yap Island shall register by January 31 of each year. Registration shall be effected by personally appearing at an Immigration Office and providing such information as the Chief may require pursuant to this Part.

## 10.3. Residents of outer islands.

Resident noncitizens living outside any of the areas listed in the preceding paragraph shall register by June 30 of each year, but in any event shall register during their first trip during any calendar year to one of the locations listed in the preceding paragraph. Registration shall be effected as described in the preceding paragraph. If a noncitizen residing on an outer island shows in writing to the Chief that it would be a hardship for the alien to register in person the Chief may, in his discretion, allow registration by mail. Such a showing of hardship must be received by the Chief no later than March 31 of the year for which registration by mail is sought.

## 10.4. Initial registration.

All resident noncitizens on Kosrae Island, Pohnpei Island, an island in the Truk Lagoon, and Yap proper shall register at an Immigration Office within 30 days of the effective date of these regulations. Resident noncitizens living elsewhere may register by mail, for purpose of this paragraph only within the same time period.

# PART 11.

## MISCELLANEOUS

### 11.1 Applicability.

The provisions of this Part apply to each Part of these regulations unless otherwise stated.

### 11.2. Police clearance, other home documents.

The Chief shall require as a part of an application for an entry permit that a noncitizen provide written documentation from his or her home showing that the noncitizen has no record of felony convictions. If such documentation is not provided at the time of application it shall not be cause for denial of a permit, but the documentation must be provided within 90 days of the noncitizen's entry to the FSM, otherwise the permit may, at the discretion of the Chief, be cancelled unless good cause is shown for the alien's inability to provide such documentation. The requirements of this paragraph shall not apply to a noncitizen who has been residing in the FSM for one year prior to this application.

### 11.3. False information.

The willful giving of any false or misleading information on an application for a permit or in any other written or oral information provided to the Immigration Division or its agents shall be grounds for the denial, revocation, or cancellation of the permit of the person giving the information. All information given to the Immigration Division is deemed material to the noncitizen's truthfulness, history as a responsible citizen, and willingness to cooperate in the

administration of the immigration laws and thus to the desirability and propriety of issuance of an entry permit.

#### 11.4. Local address.

All correspondence including notice of actions affecting a noncitizen's legal status may be sent to the noncitizen's most recent address on file with the Immigration Division. It is the noncitizen's responsibility to inform the Division in writing of any change of address.

#### 11.5. Permit must be applied for before entry.

Noncitizens other than visitors must have their entry permits applied for prior to arrival in the FSM. The application must be complete. The application may be completed with five working days of the noncitizen's entry, but the incomplete application must have been filed with Immigration prior to entry. If the foregoing is not complied with, the alien may be required to leave the FSM and return in accordance with 50 FSMC 104(2). Prior to completion of the application the Chief may, in his discretion, order that the applicant refrain from any work or employment. The filing of applications or other documents with the Division of Labor is not compliance with the requirements of this paragraph.

#### 11.6. Appeals.

Any person whose permit is denied, revoked, or cancelled may appeal that action by filing with the local Immigration Office or with the Chief a written notice of appeal within ten days of the action appealed. The local Immigration Office or the Chief shall refer the matter to the Attorney General. The Attorney General or his or her designee shall promptly schedule a hearing at which the alien shall have a right to a full explanation of the reasons for the action and a right to present witnesses and other evidence showing that the action was incorrect, mistaken, illegal, or not in the best interests of the FSM. Within 30 days of such hearing the Attorney General or designee shall issue a written decision affirming, reversing or modifying the action. That decision shall be final for the Administration. During the course of the appeal the Attorney General may order that the alien be held in custody in a manner reasonably calculated to protect the FSM and its citizens and to assure that the alien will leave the FSM promptly if the appeal is unsuccessful.

#### 11.7. Additional ports of entry.

In addition to all existing ports of entry the following locations are hereby designated ports of entry in the Federated States of Micronesia.

- (a) Lukunor Harbor - Truk State
- (b) Satawan Harbor - Truk State
- (c) Ulithi Harbor - Yap State

#### 11.8. Penalties.

These regulations are issued pursuant to the authority of P.L. 1-130 (50 FSMC 101 et. seq.) and the violation of these regulations shall be considered a violation of that Act and punishable is a violation of that Act.

11.9. Severability.

If any of these regulations are held ineffective, void, or otherwise inoperative the remaining regulations shall continue unaffected.

11.10. Supercession.

These regulations and any amendments or additions hereto supercede any prior regulations and all prior regulations are hereby repealed.

ADOPTION OF MIGRATION REGULATIONS

Pursuant to the authority vested in me by Section III of Title 50 of the Code of the Federated States of Micronesia and having complied with the applicable provisions of Title 17 of the Code of the Federated States of Micronesia, these Immigration Regulations are hereby adopted.

Date: 12/11/86	
	Tosiwo Nakayama, President Federated States of Micronesia

The provisions of these Immigration Regulations have been reviewed by the Attorney General's Office are found to be in proper legal form.

Date: 10 Dec 86

Carl V. Ullman, Attorney General Federated States of Micronesia

The effective date of these regulations is: December 11, 1986.