

Proposal No.: CC-PR-4-26

Assigned to: Committee on Civil Liberties & Tradition

## A PROPOSED AMENDMENT TO CONSTITUTION

To amend Article III, Sections 1, 2, 3, 4, and 5 of the Constitution of the Federated States of Micronesia to allow FSM citizens to hold dual citizenship.

### ARTICLE III Citizenship

**Section 1.** A person who is a citizen of the Trust Territory immediately prior to the effective date of this Constitution and domiciliary of a District ratifying this Constitution is a citizen ~~and national~~ of the Federated States of Micronesia.

**Section 2.** All a persons born of parents one or both of whom are citizens of the Federated States of Micronesia or naturalized as citizens of the Federated States of Micronesia is a are citizens ~~and national~~ of the Federated States of Micronesia.

**Section 3.** A citizen of the Federated States of Micronesia may be a citizen of another nation, and shall not be deprived of his Federated States of Micronesia citizenship by exercising his citizenship rights of the other nation. This section applies retroactively. ~~A citizen of the Federated States of Micronesia who is recognized as a citizen of another nation shall, within 3 years of his 18<sup>th</sup> birthday, or within 3 years of the effect date of this Constitution, whichever is later, register his intent to remain a citizen of the Federated States and renounce his citizenship of another nation. If he fails to comply with this Section, he becomes a national of the Federated States of Micronesia.~~

**Section 4.** A citizen of the Trust Territory who becomes a national of the United States of America under the terms of the Covenant to Establish a Commonwealth of the Northern Mariana Island may become a citizen ~~and national~~ of the Federated States of Micronesia by applying to a court of competent jurisdiction in the Federated States within 6 months of the date he became a United States national.

**Section 5.** A domiciliary of a District not ratifying this Constitution who was a citizen of the Trust Territory immediately prior to the effective date of this Constitution, may become a citizen ~~and national~~ of the Federated States of Micronesia by applying to a court of competent jurisdiction in the Federated States within 6 months after the effective date of this Constitution or within 6 months after his 18<sup>th</sup> birthday, whichever is later.

### PURPOSE AND INTENT OF THE AMENDMENT:

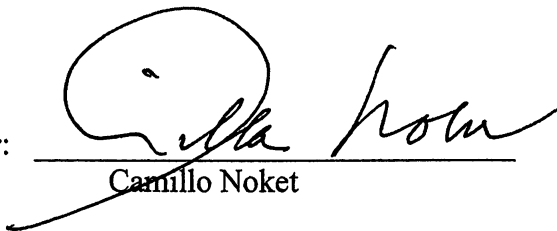
The proposed amendments to Article III of the FSM Constitution on Citizenship is proposed for the following reasons:

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1. Eliminates the use of the term “national” when referring to individuals who are citizens of the FSM. In light of the other recommended amendments to Article III, the use of the phrase “citizen and national” is no longer necessary.
2. Adds language to Section 2 about “naturalized” citizens to insure that naturalized citizens “born of parents one or both of whom are (FSM) citizens” may not be deprived of their citizenship if they become citizens of another country.
3. Deletes existing Section 3 in its entirety and inserts a new Section affirmatively stating that a citizen of the FSM:
  - a. May also be a citizen of another nation;
  - b. Shall not lose his or her FSM citizenship by exercising citizenship rights of the other nation.
4. Adds language to revise Section 3 to confirm that the provisions of revised Section 3 are to be applied retroactively. This language was deemed necessary to insure that all those who may have lost their FSM citizenship under the provisions of existing Section 3 are once again, and always have been, considered FSM citizens.
5. The proposed amendments are not intended to limit Congress’ power to regulate citizenship and naturalization. See FSM Constit. Art. IX, Sect. 2(c). Rather, they are intended to clarify that a citizen should not lose FSM citizenship simply because he or she exercises rights granted by another nation.

Introducer:

  
Camillo Noket

Date:

1/14/2020