

THE THIRTY-THIRD LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa  
on Monday, the fourteenth day of July  
two thousand and fourteen

AN ACT ESTABLISHING THE OPPORTUNITY FOR THE GRANTING OF IMMIGRATION AMNESTY TO ALIENS WHO ARE PHYSICALLY PRESENT IN AMERICAN SAMOA WITHOUT CURRENT, LAWFUL IMMIGRATION STATUS, AND THOSE WHO ARE LAWFULLY IN THE TERRITORY BUT SUBJECT TO COUNTRY NUMERICAL LIMITATIONS ON THEIR REGISTRATION; AMENDING SECTION 41.0301 A.S.C.A.

Preamble:

WHEREAS, the territory of American Samoa has a large number of undocumented aliens currently residing in the territory; and

WHEREAS, there is also a large backlog of aliens who have applied to legally reside in the territory but have not yet had the opportunity to be registered due to the numerical limitations of Title 41 of the American Samoa Code Annotated; and

WHEREAS, the growing number of undocumented aliens in the territory has an impact on our local economy, infrastructure, natural resources, and government services, putting pressure on the ability of American Samoans and other legal residents of the territory to enjoy and fully access these resources; and

WHEREAS, if the problem is not corrected it will continue to grow, becoming in the future ever more difficult to rectify; and

WHEREAS, as part of a comprehensive overall plan for immigration reform in the territory, it is in the best interests of the territory to provide deserving undocumented aliens currently residing in the Territory with the one-time opportunity to become lawful and productive members of society; and

WHEREAS, it would be equitable to also provide a one-time opportunity to deserving aliens who have been waiting to reside in the territory under the numerical limitations set out in Title 41 of the American Samoa Code Annotated; and

WHEREAS, by properly registering these deserving aliens and thereby accounting for them the government will be able to better forecast present and future demands upon our social service providers, schools and health care providers, and it will enable the government to better account for the size of our population when seeking federal assistance; and

WHEREAS, in order to accomplish this it is necessary to increase the annual numerical limitations for the number of aliens born in any foreign state or dependent area who may enter American Samoa to be registered; and

WHEREAS, because of the number of aliens needing to be processed and the time constraints this will impose on the Immigration Board, it is necessary this Act have an immediate effective date.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

**Section 1. 41.0301 is amended to read:**

**“41.0301 Numerical limitation.**

**(a) Quarterly and yearly limits. The number of aliens born in any foreign state or dependent area who may enter American Samoa to be registered shall not in any of the first three quarters of any fiscal year exceed the total of 25, and shall not in any fiscal year exceed a total of 100 and, the total number or registration receipt cards made available to natives of any single foreign state shall not exceed 5 in any fiscal year, except these numbers shall not include Western Samoans, immediate relatives of American Samoans, nor citizens of the United States of America.**

**(b) Immediate relatives defined. The “immediate relatives” referred to in subsection (a) of this section shall mean the children, spouses, and parents of an American Samoan; provided, that in the case of parents, such American Samoan must be at least 21 years of age. The immediate relatives specified in this subsection who are otherwise qualified for registration shall be registered as such, without regard to the numerical limitations in this chapter.**

**(c) Numerical limitation of Western Samoans. Because of the historic, cultural and family interchanges between American Samoans and Western Samoans, the number of aliens born in Western Samoa who may enter American Samoa to be registered shall not in any of the first three quarters of any fiscal year exceed a total of 62, and shall not in any fiscal year exceed a total of 250.**

(d) The numerical limitations established by this section shall not include aliens employed by the American Samoa Government or the United States of America, or aliens admitted and employed under chapter 09 of this Title, or other groups as further waived by Board order upon a showing of extenuating circumstances. Any alien employed under this provision who is terminated for whatever reason shall be subject to these limitations upon the expiration of 30 days from the date of termination.

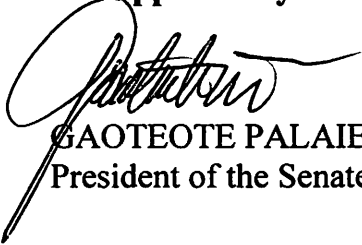
(e) Aliens submitting application for registration receipt cards under this section and 41.0303 shall return to their countries of origin pending allocation of such registration receipt cards for re-entry into American Samoa. No extensions of stay beyond the original 60 days period allowed under 41.0502 (a)(2)(D) or otherwise are to be granted.

(f) Notwithstanding anything to the contrary in subsections (a) through (e), the total number of registration receipt cards made available in fiscal year ~~1997~~2015 to all aliens shall not exceed a total of ~~1,820,845~~ for aliens born in Western Independent State of Samoa, 404,457 for aliens born in the Kingdom of Tonga, 88,446 for aliens born in the Republic of the Philippines, 209 for aliens born ~~on~~in Tuvalu, 14,101 for aliens born in the Republic of Fiji, 1,496 for aliens born in the People's Republic of China, 1219 for aliens born in New Zealand, 1112 for aliens born in the Republic of Korea, ~~and 86~~ for aliens born in the Republic of China-(Taiwan), 8 for aliens born in the Commonwealth of Australia, 6 for aliens born in the Republic of Chile, 6 for aliens born in the Republic of Costa Rica, 8 for aliens born in the Federal Republic of Germany, 9 for aliens born in the Republic of Indonesia, 6 for aliens born in the Federated States of Micronesia, 7 for aliens born in the Republic of Panama, 6 for aliens born in the Independent State of Papua New Guinea, 6 for aliens born in the Republic of Peru, 7 for aliens born in the Portuguese Republic, 7 for aliens born in Romania, 6 for aliens born in the Republic of Singapore, 8 for aliens born in the Solomon Islands, 6 for aliens born in the United Kingdom of Great Britain and Northern Ireland, 6 for aliens born in the Oriental Republic of Uruguay, 9 for aliens born in the Republic of Vanuatu, and 17 for aliens born in the Socialist Republic of Vietnam. The requirements of sections 41.0301(e) and 41.0502(a)(2)(D) are hereby waived only for those aliens whose applications to remain in American Samoa were processed during the period from ~~January 3, 1997~~March 1, 2014 through and including ~~April 23, 1997~~May 31, 2014 pending final determination by the Immigration Board. Such persons are subject to the requirements of section 41.0319 and 41.0404 of the Administrative Code, including submission of all required applications and payment of fees.

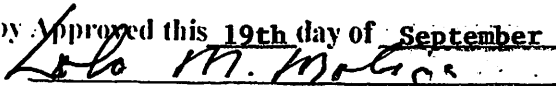
(g) Section 41.0403 (a) (1) shall be strictly applied to all those applicants qualifying under Section 41.0301, thus all accumulated days, months, and years those applicants were present in American Samoa prior to the Immigration Board's approval shall not be considered as "legally present in American Samoa".

**Sec 2. Effective date.**

**This act shall become effective immediately upon passage by the Legislature and approval by the Governor.**

  
GAOTEOTE PALAIE TOFAU  
President of the Senate

  
SAVALI TALAVOU ALE  
Speaker, House of Representatives

Hereby Approved this 19th day of September 2014  
  
Governor Of American Samoa

NOFOAIGA TOLUSEFULU-TOLU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Fa

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa  
Aso Gafua, aso sefulufa o Iulai  
Lua afe sefulu fa

O SE TULAFONO E MAUA AI LE AVANOA E TUUINA ATU I TAGATA MAI FAFO O LOO I AI NEI I AMERIKA SAMOA E AUNOA MA NI PEPA E FAATAGA AI FAALETULAFONO, MA I LATOU O LOO TUSA MA LE TULAFONO LO LATOU I AI I LE TERITORI AE O LOO FAATALI LO LATOU LESITALAINA ONA UA GATA LE NUMERA FAATAPULAA O TAGATA FAATAGA MAI LE ATUNUU E OMAI AI; SUIA AI LE MAGA 41.0301 T.T.A.S.

Faatomuaga:

- TALUAI, o le teritori o Amerika Samoa e toatele naunau tagata mai fafo e le o faamaumauina o loo nonofo ai; ma
- TALUAI, o loo toatele naunau foi i latou na talosaga ina ia faataga e le tulafono lo latou nonofo ai ae o loo faatalitali pea mo le avanoa e lesitala ai ona o tapulaa lava o le Ulutala 41 T.T.A.S.; ma
- TALUAI, o le tupu pea o le aofai o tagata mai fafo e le o faamaumauina ua aafia ai lo tatou tamaoaiga, o galuega moomia mo le saofua, o alamanuia faalenatura, ma auaunaga faalemalo ma ua faafaigata i tagata o loo nonofo e tusa ai ma le tulafono ona latou maua ma le fiafia ia lava alamanuia; ma
- TALUAI, afai e le faasa'oina nei le faafitauli lea, o le a faatupula'ia pea ma o le a sili atu ona faigata ona fo'ia i le lumanai; ma
- TALUAI, o se vaega o le fuafuaga atoa mo le toe fuata'ina o le tulaga o femalaga'iga i le teritori, o se mea ua alagata i le teritori ona tuuina atu o lenei avanoa e faatasi lava mo tagata mai fafo o loo nonofo iinei a e le o faamaumauina e faalelei ai ma faataga faaletulafono ona nonofo iinei ma fai ma tagata aoga mo le atunuu; ma
- TALUAI, o se mea tatau foi ona avatu o le avanoa i lenei lava taimi e tasi ia i latou ua leva ona faatali e aumau i le teritori i lalo o tapulaa faanumeraina e pei ona aumai i le Ulutala 41 o le Tusi Tulafono a Amerika Samoa; ma

TALUAI, o le lesitalaina o nei tagata mai fafo o le a faigofie ai ona faitauina ma mafai ai foi ona iloa lelei e le malo le tulaga e i ai auaunaga e fai, o a'oga ma le tausia o le soifuamaloloina, ma o le a sili atu ai foi ona lelei le tuliloaina o le faitau aofai o tagata i taimi e saili atu ai i fesoasoani mai le malo tele; ma

TALUAI, ina ia mafai ona faataunuu lenei faamoemoe ua alagatatau ona sii le numera o le tapulaa o tagata mai fafo e mafai ona ulufale mai i Amerika Samoa e lesitalaina; ma

TALUAI, o le toatele o tagata mai fafo o le a moomia ona faagasolo le faia o pepa atoa ai ma le tapulaa o le taimi o le Komiti o Femalaga'iga, ua alagatatau ai ona taualoa vave o lenei Tulafono.

#### IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

**Maga 1. 41.0301 ua suia e faitauina faapea:**

**“41.0301 Tapulaa faanumera.**

(a) **Tapulaa faalekuata ma faaletausaga. O le aofai o tagata mai fafo e fananau i soo se setete i fafo e ono ulufale mai i Amerika Samoa e lesitala ai e le mafai ona sili atu i le 25 i soo se kuata o uluai kuata e tolu o soo se tausaga tupe, ma e le mafai ona sili atu i le to'a 100 i soo se tausaga tupe ma, o le aofai o lisiti mo le lesitala e faaavanoa atu i soo se tagata o soo se setete mai fafo e le sili i le 5 i soo se tausaga tupe, ae o nei fuainumera e le aofia ai tagata Samoa i Sisifo, aiga vavalalata o tagata Amerika Samoa, ma sitiseni o le Iunaite Setete o Amerika.**

(e) **Faauigaina o aiga vavalalata. O “aiga vavalalata” e pei ona ta'ua i le soamaga (a) o lenei maga e faatatau lea i fanau, to'alua, ma matua o tagata Amerika Samoa; pe afai o matua, e tatau i le Amerika Samoa ona le ititi ifo i le 21 tausaga le matua. O aiga vavalalata e pei ona ta'ua faapitoa i lenei soamaga e agavaa mo le lesitalaina o le a faapena lava ona lesitala, e aunoa ma le faitau ai fua i le numera faatapulaa i lenei mataupu.**

(i) **Numera faatapulaa o tagata Samoa i Sisifo. Talu ai le va faaletalafaasolopito, aganuu ma aiga i le va o Amerika Samoa ma Samoa i Sisifo, o le aofai o tagata Samoa i Sisifo e mafai ona ulufale mai i Amerika Samoa e lesitala i soo se kuata o uluai kuata e tolu o soo se tausaga tupe e le sili atu i le aofai e 62, ma e le silia i le 250 i soo se tausaga tupe.**

(o) **O numera faatapulaa o loo faavaeina i lenei maga e le aofia ai tagata mai fafo o loo galulue i le Malo o Amerika Samoa poo le Iunaite Setete, poo tagata mai fafo o loo ulufale mai ma galulue i lalo o le mataupu 09 o lenei Ulutala, poo isi vaega e pei ona tuusaunoaina e le Komiti Faafoe pe afai e faaalua ni tulaga e mafai ai. Soo se tagata mai fafo o loo faafaigaluega i lalo o lenei aiaiga e faamuta lana galuega ona o soo se mafuaga lava o le a aafia loa i le numera faatapulaa pe a mae'a le 30 aso talu mai ona faamuta lana galuega.**

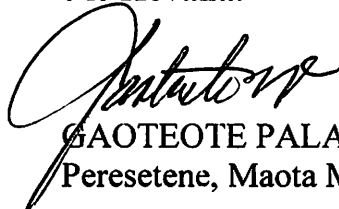
(u) O tagata mai fafo e faaulu a latou talosaga mo ni lisiti o le lesitalaina i lalo o lenei maga ma le 41.0303 e toe foi i o latou atunuu moni e faatalitali ai mo le tuuina atu o ia pepa ona toe ulufale mai ai lea i Amerika Samoa. E le mafai ona toe tuu atu se isi taimi e umi atu i lo le uluai 60 aso lea e faataga i lalo o le 41.0502(a)(2)(O).

(f) E ui lava i mea o loo ta'ua mai soamaga (a) e oo i le (u), o le aofai o pepa lesitala e faaavanoa i le tausaga tupe ~~1997~~2015 mo tagata uma mai fafo e le silia le aofia e ~~18202,845~~ mo tagata na fananau i le Malo Tutoatasi o Samoai-Sisifo, 404457 mo e na fananau i Tonga, 88446 mo e na fananau i Filipaina, 209 mo e na fananau i Tuvalu, 14101 mo tagata fananau i Fiti, 1496 mo tagata fananau i Saina, 1219; mo tagata fananau i Niu Sila, 1112; mo tagata fananau i Korea, ma 86; mo tagata fananau i Saina: (Taiwan), 8 mo e na fananau i Ausetalia, 6 mo e na fananau i Chile, 6 mo e na fananau i Costa Rica, 8 mo e na fananau i Siamani, 9 mo e na fananau i Initonesia, 6 mo e na fananau i Maikoronesia, 7 mo tagata na fananau i Panama, 6 mo e na fananau i Papua Niu Kini, 6 mo e na fananau i Peru, 7 mo e na fananau i Potukale, 7 mo e na fananau i Romania, 6 mo e na fananau i Sigapoa, 8 mo e na fananau i le Atu Solomona, 6 mo e na fananau i Peretania Tele ma Aialani i Matu, 6 mo e na fananau i Urukuai, 9 mo e na fananau i Vanuatu, ma le toa 17 na fananau i Vietnam. Ua tuusaunoaina nei manaoga o maga 41.0301(u) ma le 41.0502(a)(2)(O) mo na o tagata mai fafo na faagasolo a latou talosaga e nonofo ai i Amerika Samoa i le vaitaimi mai ia ~~Januari 3, 1997~~ Matu 1, 2014 ma e aofia ai ~~Aperila 23, 1997~~ Me 31, 2014 e faatali ai se faaiuga mai le Komiti Faafoe o Femalaga'iga. O tagata ia e aafia i manaoga o le maga 41.0319 ma le 41.0404 o le Tusi Tulafono tau Galuega, e aafia ai le tuuina atu o talosaga uma e moomia le tupe e tataua ona totogi.

(g) Maga 41.0404(A)(1) e faaaoaga uma lava i tagata talosaga uma e agavaa i lalo o Maga 41.0301, o lona uiga o aso uma, masina ma tausaga na i ai latou i Amerika Samoa a o lei faamaonia e le Komiti o Femalaga'iga o le a ta'ua loa "ua faataga e le tulafono lo latou i ai i Amerika Samoa."

Maga 2. Aso taualoa ai.

O lenei tulafono e taualoa vave pe a pasia e le Fonofaitulafono ma faamaonia e le Kovana.

  
GAOTEOTE PALAIE TOFAU  
Peresetene, Maota Maualuga

  
SAVALI TALAVOU ALE  
Fofoga Fetalai, Maota o Sui

Hereby Approved this 19th day of September 2014  
Lalo M. Maki  
Governor Of American Samoa