

THE TWENTY-SEVENTH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

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

AN ACT CHANGING THE ELIGIBILITY FOR PERMANENT RESIDENT
STATUS IN AMERICAN SAMOA; AMENDING SECTIONS 41.0403, 41.0404,
AND 41.0405 A.S.C.A.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 41.0403 is amended to read:

“41.0403 Persons entitled to apply for permanent resident status.

(a) The following persons shall be entitled to apply for permanent resident status:

(1) any person who is physically and legally present in American Samoa for a continuous period of at least 20 years; and of good moral character, ~~and a person for whom deportation would be a hardship~~; “continuous period” means uninterrupted residence in American Samoa except for periods not to exceed 3 consecutive months;

(2) any person who at the time of being legally adopted by an American Samoan was 21 years of age or younger; except that any person legally adopted by an American Samoan prior to 31 December 1980, shall be entitled to apply;

(3) any person who has been legally married to an American Samoan or a United States citizen, and has resided in American Samoa, for at least 10 years;

(4) any person who meets the criteria contained in sections 41.0303(a)(1) and (a)(6) and who has resided in American Samoa for at least 10 years.

(b) The number of persons under subparagraph (a) who may be granted the status of permanent resident in any fiscal year pursuant to this chapter shall not exceed 40 50. There shall be no numerical limitation to the number of persons who may be granted the status of permanent resident under subparagraphs (a)(2), (a)(3) and (a)(4).

(c) Except when authorized by the Attorney General, No alien who has failed to register pursuant to this title is entitled to apply for permanent resident status.

(d) Notwithstanding subparagraph (b) above, all applications filed for permanent resident status before December 31, 2001, shall not be subject to any numerical limitations and may be reviewed by the Attorney General and approved or denied."

Sec 2. 41.0404 is amended to read:

"41.0404 Application for permanent residence.

(a) Each person other than American Samoans desiring permanent resident status must file an application with the board Attorney General on forms prescribed by the board Attorney General.

(b) The board Attorney General shall review all applications for permanent residence in order of date of application filed pursuant to this section and shall hold such hearings as necessary for determination of any issue before the board presented by any application.

(c) Upon being satisfied that the applicant is entitled to permanent resident status, and such action is not contrary to the purpose of this title, the board Attorney General shall issue a certification that the applicant is a permanent resident of American Samoa."

Sec 3. 41.0405 is amended to read:

“41.0405 Loss of permanent resident status.

(a) Permanent residents may lose their status if they reside outside American Samoa for a period in excess of 6 months without ~~approval of the immigration board~~ authorization from the Attorney General.

(b) The Attorney General may revoke the permanent resident status of ~~Any non-American Samoan permanent resident can lose the status of~~ “permanent resident” by action of the board because if that person is:

(1) a convicted felon;

(2) a person who has been convicted of 2 or more crimes regardless of whether the conviction was in a single trial or whether the offense has arisen from a single scheme or misconduct and regardless of whether the offense involves moral turpitude;

(3) a person who has been convicted of a crime involving moral turpitude or admits committing acts which constitute the essential elements of such a crime; except a person who has committed one such crime while under the age of 18 years, unless the crime resulted in confinement in a prison or correctional institution;

~~(4) a person who is a polygamist, practices polygamy or advocates the practice of polygamy; and~~

(5)(4) a person who:

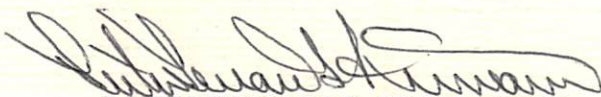
(A) is a prostitute;

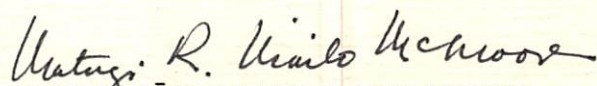
(B) has engaged in prostitution;

(C) directly or indirectly procures, attempts to procure, or has attempted to procure or import persons for the purpose of prostitution or for any other immoral sexual purpose;

(D) is or has been supported by, or has received in whole or in part, the proceeds of prostitution; or

(E) is engaging in any other unlawful commercial vice whether or not it relates to prostitution.”


LUTU TENARI S. FUIMAONO
President of the Senate


MATAGI R. MA'ILO MCMOORE
Speaker of the House

Hereby Approved this 4th day of October 2002


Governor Of American Samoa

NOFOAIGA LUASEFULU-FITU FONO FAITULAFONO A AMERIKA SAMOA

Fono Tele Lona Fa

Nofoia ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso valu o Iulai
lua afe ma le lua

O SE TULAFONO E SUI AI LE AGAVA'A O LE TULAGA MO TAGATA NOFOMAU I AMERIKA SAMOA; SUIA AI LE MAGA 41.0403, 41.0404, MA LE 41.0405. T.T.A.S.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA

Maga 1. 41.0403 ua suia e faitauina:

“41.0403 Tagata e agava'a e talosaga mo le tulaga o tagatanu'u nofomau.

(a) O tagata ua ta'ua i lalo e agava'a e talosaga mo le tulaga o tagatanu'u nofomau:

(1) so'o se tagata o lo'o nofo ma e tusa ai ma le tulafono i Amerika Samoa mo se vaitaimi fa'asoso'o i le luasefulu (20) tausaga ma o sē e amio tusa'afia ~~ma o le ave'esea (o se tagata mai fafo i lona atunu'u sa sau ai) o le a fa'afaigata;~~ “vaitaimi fa'asoso'o” o lona uiga o le nofo fa'asoso'o e le'i motusia i Amerika Samoa vagana ai mo vaitaimi e le sili atu i le tolu (3) masina soso'o;;

(2) so'o se tagata o sē ua atoa le luasefulu-tasi (21) tausaga pe la'ititi ifo i le taimi sa fa'atamafai fa'aletulafono ai e se Amerika Samoa a'o lumana'i le aso 31 o Tesema, 1980, e agava'a e talosaga;

(3) so'o se tagata o sē ua fa'atasia (fa'aipoipo) fa'aletulafono i se Amerika Samoa po'o se sitiseni o le Iunaite Setete, ma sa nofo i Amerika Samoa mo le sefulu (10) tausaga;

(4) so'o se tagata ua ia fa'amalieina atoatoa le tulafono o lo'o aofia ai i le maga 41.030 (a)(1) ma le (a)(6) ma o se sa nofo i Amerika Samoa mo le sefulu (10) tausaga.

(e) O le aofa'i o tagata i lalo o soaparakalafa (a) o i latou e mafai ona tu'uina atu le tulaga o tagatanu'u nofomau i so'o se tausaga tupe ~~e tusa ma lenei mata'upu~~ o le a lē sili atu i le 40 50. O le a leai se tapula'a fa'anumeraina i le aofa'i o tagata o ē e mafai ona tu'uina atu i ai le tulaga o le tagata nofomau i lalo o le soaparakalafa (a)(2), (a)(3) ma le (a)(4).

(i) Vagana ai pe afai e fa'atagaina e le Loia Sili, e lē leai se tagata mai fafo ua anuilagi e resitara e tusa ma lenei ulutala e agava'a e talosaga mo le tulaga o tagatanu'u nofomau.

(o) E le afaina ai le soaparakalafa (e) i luga, o talosaga uma e fa'aulufaleina mo le tulaga o tagatanu'u nofomau a'o lumana'i Tesema 31, 2001, o le a le a'afia i so'o se tapula'a fa'anumeraina ma e mafai ona iloiloaina e le Loia Sili ma fa'amaonia pe te'ena fo'i."

Maga 2. 41.0404 ua suia e faitauina:

"41.0404 Talosaga mo le nofo mau.

(a) O tagata ta'itasi e 'ese mai ai Amerika Samoa e naunau e maua le tulaga o tagatanu'u nofomau e ao ona fa'aulufale se talosaga i le kōmiti Loia Sili i pepa lomina ua fa'atulagaina e le kōmiti Loia Sili.

(e) O le kōmiti Loia Sili o le a na iloiloaina talosaga uma mo le nofo mau i le fa'asologa o aso sa fa'aulufale mai ai

(i) Pe afai ua fa'amalieina le agava'a o le tagata-talosaga i le tulaga o le tagatanu'u nofomau, ~~ma isi tulaga e le fete'ena'i ma le fa'amoemoe o lenei ulutala,~~ o le kōmiti Loia Sili o le a na tu'uina atu le fa'amaoniga e fa'apea o lenei tagata-talosaga o se tagata-nu'u nofomau o Amerika Samoa.

Maga 3 41.0405 ua suia e faitauina:

"41.0405 Le toe aloaia le tulaga o le tagatanu'u nofomau

(a) O tagatanu'u nofomau e mafai ona lē toe aloa'ia o latou tulaga pe afai latou te nonofo i fafo o Amerika Samoa mo se vaitaimi e sili atu i le ono (6) masina e aunoa ma le fa'amaonia a le komiti o femalaga'iga fa'atagaga mai le Loia Sili.

(e) O le Loia Sili e mafai ona ia fa'aleaogaina le tulaga o tagatanu'u nofomau o S so'o se tagatanu'u nofomau e le o se Amerika Samoa e mafai ona le toe aloa'ia le tulaga o le "tagatanu'u nofomau" e ala i se fa'ai'uga a le komiti aua pe afai o lena tagata:

(1) o se tagata ua nofosala i se solitulafono mamafa;

(2) o se tagata sa nofosala i solitulafono e lua (2) pe sili atu ma e le afaina pe o le nofosala sa mai se iloiloga e tasi pe o le solitulafono sa mafua mai i se fuafuaga fa'alilolilo ma isi po'o se amioga le taupulea ma e tusa lava fo'i pe o le solitulafono sa a'afia ai uiga matagā;

(3) o se tagata sa nofosala i se soligatulafono e a'afia ai uiga matagā pe sa ia ioeina le fa'ataunu'uina o ia amioga ua fa'avae ai elemene (vaega) o lea solitulafono; vagana ai se tagata sa ia solia fa'atasi lena soligatulafono a'o i lalo o le sefulu-valu (18) tausaga o lona soifuaga, ma vagana ai fo'i o lena solitulafono ua mafua ai ona taofia i se toese po'o se nofoaga o a'oaiga;

~~(4) o se tagata e sili atu i le tasi āna āva, fai ma amioga le faia o āva e tele pe fautua lautele le faia o āva e tele; ma~~

~~(5)~~(4) o se tagata o ia:


(A) o se fafine talitane (o se tautua e maua ai tupe i le faia o amioga feusua'i)


(E) sa a'afia ai i ia tautua tau feusua'iga e maua ai tupe;

(I) e fa'atau mai, taumafai e fa'atau mai, pe sa taumafai e fa'atau mai i le aumai o tagata i lona a'afia tonu ai pe fa'atafatafa fo'i mo le fa'amoemoega mo feusua'iga po'o so'o se isi tautua mo fa'amoemoega matagā tau feusua'iga;

(O) ua lagolagoina pe sa lagolagoina fo'i e, ma pe sa maua mai ai se aofa'iga atoa po'o se vaega o tupe i le tautua o le talitane; po'o le

(U) a'afia ai i so'o se isi fefa'ataua'iga o amioga tau feusua'iga e le tusa ma le tulafono pe iai pe leai fo'i sona faiā i le talitane."


LUTU TENARI S. FUIMAONO
Peresetene, Maota Maua-luga


MATAGI R. MA'ILO MCMOORE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 4th day of October 20 02

Governor of American Samoa