



The President
Palikir, Pohnpei
Federated States of Micronesia

August 16, 2019


The Honorable Wesley W. Simina
Speaker
Twenty-First Congress
Federated States of Micronesia
Palikir, Pohnpei FM 96941

AA
SEP 17 2019
U.S. DEPARTMENT
OF JUSTICE

Dear Speaker Simina:

I am pleased to transmit the enclosed presidential order that will reorganize the Department of Justice by splitting the Division of Immigration & Labor and also the Division of National Police. This order is also creating a separate Division of Anti-Human Trafficking. Thank you.

Sincerely,


David W. Panuelo
President

Enclosures:

RECEIVED
SEP 16 2019
FSM Congress
Speakers Office
AK



The President
Palikir, Pohnpei
Federated States of Micronesia

PRESIDENTIAL ORDER

Further Amending Executive Order No. 1 (April 2008) to reorganize and expand the duties and responsibilities assigned to the Division of National Police and to the Division of Immigration & Labor and formalize the establishment of the Anti-Human Trafficking Division of the Department of Justice

WHEREAS, the Executive Order No. 1, as amended April 2008, (hereafter, the "Executive Order No. 1") sets out the duties, responsibilities, and organizational structures of the various Executive Departments and Agencies; and

WHEREAS, Executive Order No. 1 needs to be amended further in order to reorganize and update the respective mandates, duties and responsibilities assigned to the Division of National Police and to the Division of Immigration & Labor, and to formalize the establishment of the Anti-Human Trafficking Division under the Department of Justice.

NOW THEREFORE, by the powers vested upon me by the Constitution and the Laws of the Federated States of Micronesia, I, David W. Panuelo, President of the Federated States of Micronesia, do hereby order, as follows:

- I. FSM National Police—The Division of National Police shall be split into two divisions, namely: *Division of Investigation and Protective Services* and *Division of Border Control and Maritime Surveillance*.
 - a. **Division of Investigation and Protective Services** shall have the following duties and responsibilities:
 - i. Provide security detail and protection to airport facilities, passengers, and other persons therein and to national assets, buildings and properties;
 - ii. Conduct criminal investigation on matters referred to it by the Attorney General or his Assistants and such matters that are referred by the Public Auditor to the Secretary of Justice for examination and possible criminal investigation or prosecution;
 - iii. Provide timely update to the Secretary of Justice or his designee on all pending or ongoing investigations on a periodic basis or upon direction by the Secretary of Justice, or his designee;



- iv. Follow up, investigate and inquire suspicious transactions reports referred to by the Financial Institutions under the Anti-Money Laundering law;
 - v. Provide protective security detail to the President on a 24/7 basis, or as may be required and requested for the security needs of the Vice-President and other high government officials. Protective detail may be provided to visiting foreign dignitaries and other VIPs upon requested to the Secretary of Justice through Foreign Affairs, subject to availability of resources and with due coordination with the Division Chief. Any requests or instructions for security detail shall be treated with priority;
 - vi. Provide security to national elections upon request and coordination with the Secretary of Justice;
 - vii. Conduct general law enforcement activities and functions normally assigned to the National Police including the enforcement of national laws and regulations; and
 - viii. Coordinate with State and Municipal law enforcement authorities, as may be necessary or essential, to preserve public peace, public order and general welfare of the population.
- b. **Division of Border Control and Maritime Surveillance** shall have the following duties and responsibilities:
- i. Enforce title 18 and title 24 of the FSM Code, conduct surveillance operation and maritime security patrol over the territorial sea, exclusive economic zone, the contiguous zone and continental shelves, and any extensions thereof, of the Federated States of Micronesia.
 - ii. Conduct joint maritime patrol with other countries to enforce fisheries laws and regulations and cooperate with international law enforcement partners.



- iii. Exercise the security and protective functions of Customs and Quarantine as integrated and centralized border security and law enforcement jurisdiction of the FSM National Government;
 - iv. Conduct search and rescue (SAR) operation during emergency situation and on request by State authorities, and provide emergency responses when needed, including medivacs.
 - v. Manage and allocate patrol boat assets of the Federated States of Micronesia and make recommendations to the Secretary of Justice with respect to maintenance and usage of the Maritime Surveillance Revolving Fund.
 - vi. Provide assistance to National Election Director during national elections, subject to cooperation and timely request for assistance.
 - vii. Provide update on SAR operation and inform the Secretary of Justice on any material information regarding the status, condition, activities and deployment of the patrol boats.
 - viii. Keep Secretary of Justice fully informed of status of border security of the Federated States of Micronesia, provide regular briefing on any security issues or threats on any part of the Nation, and present intelligence information that may be material to the maritime or border security of the Nation.
 - ix. Perform such duties and responsibilities as may from time to time be assigned by the Secretary of Justice.
- II. Division of Immigration—The Division of Immigration & Labor is split into two divisions, namely: (1) Division of Labor and (2) Division of Immigration and Passport Services.
- a. **Division of Labor** shall have the following duties and responsibilities:
 - i. Review application for foreign labor permit;
 - ii. Coordinate with the FSM States with respect to their respective demands for foreign labor and facilitate meeting such demands;



- iii. Promote labor development and recommend specific programs to the Secretary of Justice concerning effective and practical ways of promoting labor development;
- iv. Manage and regulate outward movement of labor force from FSM;
- v. Implement licensing of recruiters of FSM citizens to work abroad; and
- vi. Review labor contracts and investigate complaints on their possible or suspected violations.

b. **Division of Immigration and Passport** shall have the following duties and responsibilities:

- i. Regulate entry of aliens into the FSM and regulate their presence therein;
- ii. Manage and supervise the Border Management System and plan for its needed update;
- iii. Manage and regulate the identification of FSM Nationals and recommend system to facilitate the protection of their rights in FSM; and
- iv. Maintain the security and quality of FSM passports and coordinate with or recommend to the Secretary of Justice ways to improve the processing of passport applications and renewals.

III. The **Division of Anti-Human Trafficking Services**, headed by an assistant secretary designated by the Secretary of Justice, shall have the following duties and responsibilities:


- a. Investigate report and complaint involving possible case of trafficking in person or such other offenses relating to human trafficking;
- b. Coordinate with the National Police in investigating cases of human trafficking;



- c. Interview witnesses, gather evidence, and report to the Secretary of Justice on the progress of criminal investigation;
- d. Develop plans or training programs for investigators specializing in human trafficking investigations;
- e. Prepare, develop and recommend to the Secretary of Justice, programs for the protection of victims and witnesses of human trafficking cases and to support the establishment of shelters or homes for human trafficking victims;
- f. In relation to activities of combating human trafficking, coordinate with other public departments, agencies and offices of the national and state governments;
- g. Conduct public awareness campaigns on issues involving trafficking in person and human smuggling in coordination, where possible, with civil society and non-government organizations; and
- h. Perform such duties and functions as may be delegated by the Secretary of Justice.

SO ORDERED.

Date: 9/16/19


David W. Panuelo
President