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Federated States of Micronesia (“FSM” or “Micronesia”)

<p>Is there a refugee protection program?</p>	<p>No. The law does not provide for the granting of asylum or refugee status, and the government of Micronesia has not established a system for providing protection to refugees. In the last four years—2020, 2019, 2018, and 2017—there have been no cases in which the government had to cooperate with the Office of the United Nations High Commissioner for Refugees (“UNHCR”) and other organizations regarding treatment of internally displaced persons, refugees, asylum seekers, and stateless persons.¹</p>
<p>Who runs any available refugee protection program? Who determines which applicants qualify for refugee protection?</p>	<p>In Pacific Island Countries, such as Micronesia, without national systems to carry out refugee status determination, UNHCR may assist to assess claims for refugee status.²</p> <p>In the past, the government of Micronesia has cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. In a 2016 case, UNHCR made the determination of refugee status, and the government agreed.³</p>

¹ Section 2(F), 2020 Country Reports on Human Rights Practices: Micronesia, U.S. Department of State, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/micronesia/>

² UNHCR The Pacific - Help for refugees and asylum-seekers, https://help.unhcr.org/pacific/#_ga=2.48743398.1320782584.1628387765-1285228658.1628387765

³ The government most recently cooperated with UNHCR to process asylum seekers in the country in 2016, in a unique situation where a group of Indians and Nepalis expected human smugglers to transport them to U.S. territory; however, the smugglers instead brought them to Yap in Micronesia. UNHCR determined

<p>Is the refugee protection program functional? For example, how long does it take for decisions to be issued? What percentage of applications are granted?</p>	<p>N/A</p>
<p>Do refugees have a right to work? A right to education? A right to medical care?</p>	<p>In the 2016 case, the refugees were given access to medical care.</p>
<p>Are those seeking refugee protection free to live freely or forced to reside in camps?</p>	<p>Previous asylum-seekers were detained, and the poor conditions were subject to a constitutional challenge in the Supreme Court of Micronesia. After two to three years of detainment, the court ruled they had the right to move about freely during the day but had an evening curfew and regular reporting requirements to the government.⁴</p> <p>The Supreme Court of Micronesia has found that there has been no executive or legislative action to address the issue of refugees that may arrive in the FSM, and thus the court retains the authority to address alleged violations of the FSM Constitution with respect to the Government’s treatment of refugees on a case by case basis.</p>
<p>Does a grant of refugee protection result in a pathway to permanent status? In other words, can</p>	<p>No. In the 2016 case, the four men that were found to be bona-fide refugees by UNHCR were resettled in another country.</p>

that four of the men had valid claims, and the remainder were put in the process of repatriation. See <https://www.state.gov/reports/2016-country-reports-on-human-rights-practices/federated-states-of-micronesia/>

⁴ Using the only available example of asylum seekers from 2016, it appears they were detained for over a year in “dire” conditions. See <https://www.rnz.co.nz/international/pacific-news/331440/refugees-under-arbitrary-detention-in-micronesia>. See *Timsina v. Santos* 2017-033 (Supreme Court of Micronesia, Pohnpei), available at <https://www.refworld.org/cases,FSMSC,60548ed84.html>

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<p>a refugee eventually become a citizen? Is there another form of legal permanent status available for people with refugee status?</p>	<p>A previous Assistant Attorney General of Micronesia said that the FSM definitely should not be considered as a destination for potential refugees.⁵</p>
<p>Does the country offer temporary protections available other than refugee status? If so, what are they?</p>	<p>Micronesia does not offer other temporary protections.</p> <p>Although Afghan citizens do not need a visa to go to Micronesia, all travelers must show proof of a return ticket, or travel beyond Micronesia as the ultimate destination.⁶ All travelers must apply for a free tourist visa in person once arriving in Micronesia. The tourist visa allows a maximum stay of 1 month and the visa expires in 90 days. All visitors arriving in Micronesia, including Afghan citizens, must have a valid passport or other travel document issued by the government of the country of citizenship or nationality.</p>
<p>What, if any, penalties are there for people without status or people who are denied refugee protection?</p>	<p>In the 2016 case, the 14 men who were denied refugee status were repatriated to their home country of Nepal.</p>
<p>What organizations exist in-country that can help displaced people seek available protections? What other organizations in the country may be able</p>	<p>The UNHCR Regional Office, based in Canberra, has regional coverage for the Federated States of Micronesia</p> <p>No such organizations have been identified: https://www.refugeelegalaidinformation.org/micronesia-pro-bono-directory</p>

⁵ http://www.kpress.info/index.php?option=com_content&view=article&id=743&catid=8&Itemid=103

⁶ <http://www.visit-micronesia.fm/guide/regulation.html>

<p>to help displaced people access services and rights, even if their mission is not to specifically work with refugees and displaced people?</p>	
<p>Is there other information that might be valuable for displaced people arriving in that country to know?</p>	<p>Micronesia received zero asylum applications in the last four years according to UNHCR,⁷ and thus the process for such applications is unclear. As stated above, an agent of the government has stated in the past that Micronesia should not be considered as a destination for potential refugees.⁸</p> <p>Separately, thousands of refugees and asylum seekers in Australia have been transferred by the country to a facility in Nauru, an island country in Micronesia, since the introduction of Australia’s “offshore processing” policy began in 2013. The center in Nauru is where families, and unaccompanied women and children are detained. The refugees are in indefinite detention, with some having been there for seven years.</p>

⁷ Refugee Data Finder, <https://www.unhcr.org/refugee-statistics/download/?url=0QY4qV>

⁸ http://www.kpress.info/index.php?option=com_content&view=article&id=743&catid=8&Itemid=103