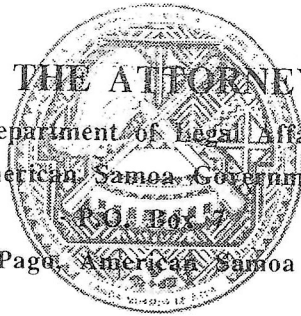


OFFICE OF THE ATTORNEY GENERAL

Department of Legal Affairs  
American Samoa Government



Tauese P.F. Sunia, Governor  
Togiola T.A. Tulafono, Lt. Governor  
Phone: (684) 633-4116  
Fax: (684) 633-2269

Pago Pago, American Samoa 96799

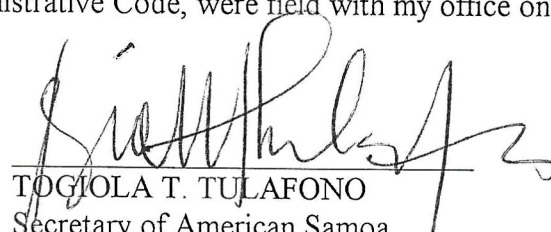
Fiti A. Sunia  
Attorney General  
Phone: (684) 633-4163  
Fax: (684) 633-1838

DEPARTMENT OF LEGAL AFFAIRS  
OFFICE OF IMMIGRATION  
AMERICAN SAMOA GOVERNMENT  
UTULEI, AMERICAN SAMOA

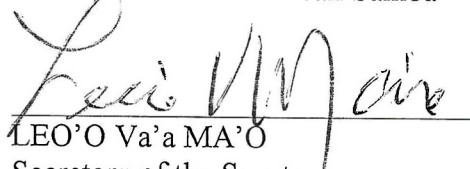
ACKNOWLEDGMENT OF FILING

The amendments to Administrative Rules 41.0319, 41.0409, 41.1007, 41.1008, and 41.1009, of the American Samoa Administrative Code, were filed with my office on the date set forth below.

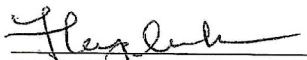
Dated: 3/21/03

  
TOGIOLA T. TULAFONO  
Secretary of American Samoa  
Lt. Governor of American Samoa

Dated: 2/25/03

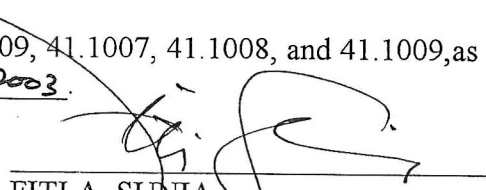
  
LEO'O Va'a MA'O  
Secretary of the Senate  
Legislature of American Samoa

Dated: 03/25/03

  
FIALUPE LUTU  
Clerk of the House of Representatives  
Legislature of American Samoa

Effective Date

Administrative Rules 41.0319, 41.0409, 41.1007, 41.1008, and 41.1009, as amended, become effective on April 1, 2003.

  
FITI A. SUNIA  
Attorney General

OFFICE OF THE ATTORNEY GENERAL

Department of Legal Affairs  
American Samoa Government

Pago Pago, American Samoa 96799

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Fiti A. Sunia  
Attorney General  
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Fax: (684) 633-1838

December 30, 2002

Serial No.: 5895-02

Vaoita Savali  
Director  
Department of Public Information  
American Samoa Government

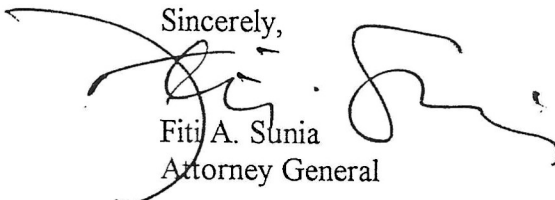
RE: Broadcast of Notice of Intended Action

Dear Ms. Savali:

Attached please find a Notice of Intended Action informing the public that the Office of the Attorney General intends to amend the administrative rules relating to certain fees charged for immigration services. This action is taken in accordance with the Administrative Procedures Act.

Your cooperation in broadcasting the attached notice several times on the KVZK television station, with the initial airing as soon as possible, will be appreciated.

Sincerely,

  
Fiti A. Sunia  
Attorney General

cc: Ufuti Fa'afetai Ieremia  
Chief Immigration Officer

*Received  
Jan. 21 03  
ja*

# OFFICE OF THE ATTORNEY GENERAL

Department of Legal Affairs  
American Samoa Government

Pago Pago, American Samoa 96799

Taucse P.F. Sunia, Governor  
Togiola T.A. Tulafono, Lt. Governor  
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Fiti A. Sunia  
Attorney General  
Phone: (684) 633-4163  
Fax: (684) 633-1838

Serial No.: 5895A-02

## NOTICE OF INTENDED ACTION TO AMEND ADMINISTRATIVE RULES ON IMMIGRATION FEES

NOTICE IS HEREBY GIVEN that on or after February 1, 2003, the Office of the Attorney General intends to amend following sections 41.0319, 41.0322, 41.1007, 41.1008, and 41.1009, of the American Samoa Administrative Code, to modify the charges for certain immigration services.

A copy of the actual amendment maybe obtained from the Immigration Office or the Office of the Attorney General, both located in the Executive Office Building in Utulei, American Samoa. Interested persons may submit written data, views and arguments on the proposed amendment to the Office of the Attorney General on or before January 20, 2003.

## CERTIFICATION OF BROADCAST

The undersigned certifies that the above Notice of Intended Action was broadcast on KVZK TV on the following dates:

*Jan. 2, 2003, Jan. 7, Jan. 10<sup>th</sup>  
Jan. 13 - 16<sup>th</sup> 2003, 21<sup>st</sup> 24<sup>th</sup>*

*Simon Bruni*  
Name

*KVZK NEWS DIRECTOR*  
Title

*Received  
Jan 7, 2003  
Ja*

OFFICE OF THE ATTORNEY GENERAL

Department of Legal Affairs  
American Samoa Government

P.O. Box 7

Pago Pago, American Samoa 96799

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Fiti A. Sunia  
Attorney General  
Phone: (684) 633-4163  
Fax: (684) 633-1838

Serial No.: 5896A-02

**NOTICE OF INTENDED ACTION**  
**TO AMEND ADMINISTRATIVE RULES ON IMMIGRATION FEES**

NOTICE IS HEREBY GIVEN that on or after February 1, 2003, the Office of the Attorney General intends to amend following sections 41.0319, 41.0322, 41.1007, 41.1008, and 41.1009, of the American Samoa Administrative Code, to modify the charges for certain immigration services.

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**CERTIFICATION OF BROADCAST**

The undersigned certifies that the above Notice of Intended Action was posted on the American Samoa Government website on the following dates:

1/6/03 - 2/7/03

  
Name

ASG WEBSITE ADMINISTRATOR  
Title



OFFICE OF THE ATTORNEY GENERAL

Department of Legal Affairs  
American Samoa Government



Tauese P.F. Sunia, Governor  
Togiola T.A. Tulafono, Lt. Governor  
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Pago Pago, American Samoa 96799


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DEPARTMENT OF LEGAL AFFAIRS  
OFFICE OF IMMIGRATION  
AMERICAN SAMOA GOVERNMENT  
UTULEI, AMERICAN SAMOA

ADOPTION OF RULE

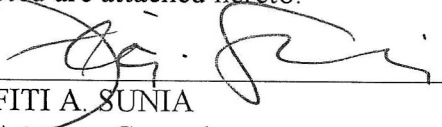
Amendment to Rules 41.0319, 41.0409, 41.1007, 41.1008, and 41.1009, of the American Samoa Administrative Code, which imposes charges for certain immigration services and documents are hereby adopted.

Dated: February 13, 2003

  
FITI A. SUNIA  
Attorney General


CERTIFICATION

The undersigned hereby certifies that true and correct copy of the amendment to Rules 41.0319, 41.0409, 41.1007, 41.1008, and 41.1009, of the American Samoa Administrative Code, as officially adopted are attached hereto.

  
FITI A. SUNIA  
Attorney General

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of February, 2003, at Utulei, American Samoa.



  
NOTARY PUBLIC  
My Commission Expires: 12/31/03

# OFFICE OF THE ATTORNEY GENERAL

Department of Legal Affairs  
American Samoa Government



Tauese P.F. Sunia, Governor  
Togiola T.A. Tulafono, Lt. Governor  
Phone: (684) 633-4116  
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Pago Pago, American Samoa 96799

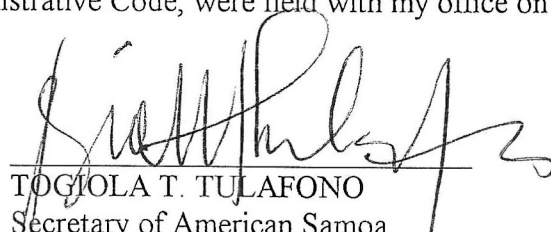
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## DEPARTMENT OF LEGAL AFFAIRS OFFICE OF IMMIGRATION AMERICAN SAMOA GOVERNMENT UTULEI, AMERICAN SAMOA

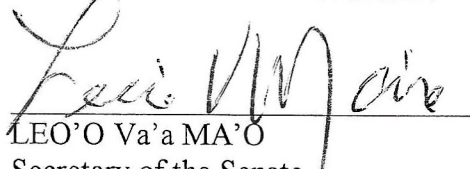
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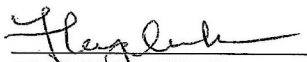
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Dated: 2/25/03

  
LEO'O Va'a MA'O  
Secretary of the Senate  
Legislature of American Samoa

Dated: 03/25/03

  
FIALUPE LUTU  
Clerk of the House of Representatives  
Legislature of American Samoa

### Effective Date

Administrative Rules 41.0319, 41.0409, 41.1007, 41.1008, and 41.1009, as amended, become effective on April 1, 2003.

  
FITI A. SUNIA  
Attorney General

OFFICE OF THE ATTORNEY GENERAL

Department of Legal Affairs  
American Samoa Government



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DEPARTMENT OF LEGAL AFFAIRS  
OFFICE OF IMMIGRATION  
AMERICAN SAMOA GOVERNMENT  
UTULEI, AMERICAN SAMOA

ADOPTION OF RULE

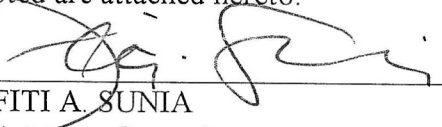
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FITI A. SUNIA  
Attorney General

CERTIFICATION

The undersigned hereby certifies that true and correct copy of the amendment to Rules 41.0319, 41.0409, 41.1007, 41.1008, and 41.1009, of the American Samoa Administrative Code, as officially adopted are attached hereto.

  
FITI A. SUNIA  
Attorney General

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of February, 2003, at Utulei, American Samoa.



  
NOTARY PUBLIC

My Commission Expires: 12/31/03



## AMENDMENTS TO IMMIGRATION RULES

Pursuant to provisions of Sections 41.0205 and 41.0206, and Chapter 10 of Title 4 of the American Samoa Code Annotated (ASCA), the following constitute amendments to certain sections and provisions of the immigration rules as provided in the American Samoa Administrative Code (ASAC).

### **41.0319 Fees.**

(a) Remittances. Fees shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or rule. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee therefore, the chief immigration officer shall require the filing of the application and the payment of the fee. Every remittance shall be accepted subject to collection. A charge of ~~\$10.00~~ 25.00 will be imposed if a check in payment of the fee is not honored by the bank on which it is drawn. A receipt issued by an officer for any such remittance shall not be binding if a remittance is found uncollectible. Remittances must be drawn on a bank or other institution located in American Samoa or the United States and be payable in United States currency. Fees in a form of postage stamps shall not be accepted. Remittance shall be made payable to the "Treasurer-American Samoa Government." If application is submitted from outside American Samoa and the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in American Samoa or in the United States and payable to "Treasurer American Samoa Government" in United States currency.

(b) Amounts of fees. The following fees and charges are prescribed:

- (1) the fee for a case of original jurisdiction before the board shall be ~~\$10.00~~ 20.00 unless otherwise provided below;
- (2) the fee for an appeal to the board shall be ~~\$25.00~~ 50.00;



(3) a fee of ~~\$50.00~~ 75.00 shall be charged for the following applications: permanent residency, all priorities under 41.0301 and 41.0303 ASCA; and temporary or seasonal workers; and

(4) a fee of ~~\$25.00~~ 35.00 shall be charged for the following application: ~~temporary or seasonal workers~~; a lost, stolen, destroyed, mutilated registration receipt card; a new registration receipt card for a name change; and application for extension of time to remain under numerical limitations.

#### **41.0409 Bonds**

(a) The Attorney General or chief immigration officer may in his/her discretion, require any alien who is either visiting or residing in American Samoa to post a cash bond, to ensure his/her will not become a financial burden American Samoa Government, not to an amount sufficient to pay transportation costs to his/her home country plus not more than \$500.

(b) In the case of a fishing vessel that is registered in or otherwise connected to, a jurisdiction outside of the geographic area of the United States, and is based in American Samoa, Attorney General or chief immigration may, in his/her discretion, require the of the vessel or his/her authorized representative in American Samoa to post a bond, to ensure that each crewmember of such vessel will not become a financial burden to the American Samoa Government in an amount sufficient to pay the transportation costs of any number of the crewmembers to his or their home country plus not more than \$500 per person.

(c) Sums deposited in accordance with this section shall be returned, or accounted for if used as provided in this section, to the deportee or payee upon his/her or the covered alien's departure from American Samoa. The original and a copy of the manifest or other proof demonstrating the alien left will be required to secure a full refund. The bond may be used to pay immigration fines or debts owed

government. A request for a bond refund must be submitted to the Attorney General for authorization to pay not later than 60 days after the occurrence of the event that justifies a bond refund.

#### **4 1.1007 Entry permits.**

(a) Any person or group traveling to American Samoa not as tourists but for the purpose of visiting family and friends or for cultural or religious exchanges must provide:

- (1) approval of the matai or senior member of the family or, if a religious exchange, the head of the church in American Samoa; and
- (2) approval of the pulenu'u and district governor or designated representative; and
- (3) proof of valid travel documents and round trip tickets, and a valid passport that will not expire during the visit.

(b) Any person or group arriving in American Samoa without the approvals required in subsection (a) of this section may be refused entry by an immigration officer.

(c) Fees:

- (1) One person, ~~\$20.00~~ 40.00; extension ~~\$25.00~~ 50.00;
- (2) 10 to 20 persons, ~~\$100.00~~ 200.00;
- (3) 21 to 50 persons, ~~\$200.00~~ 300.00;
- (4) 51 to 100 persons, ~~\$300.00~~ 400.00;
- (5) 101 persons and above to 200, ~~\$400.00~~ 500.00, plus \$5.00 for each additional person over 200;
- (6) Multiple entry permit ~~\$25.00~~ 50.00 per month. Multiple entry permits shall be available for commercial business travelers only;
- (7) 14-Days Pass – \$10.00 per person per trip; available only to citizens of the Independent State of Samoa;
- (8) Authorization to enter American Samoa granted to an American Samoan or a

United States citizen due to permit entry without proper travel document

\$50.00.

(d) Upon satisfactory showing of compliance with the requirements of subsections (a), (b) and (c) of this section, the chief immigration officer may grant up to 30 days to visit American Samoa. The chief immigration officer may grant an extension of 7 more days but only one extension can be granted. The chief immigration officer shall report monthly the number of permits granted and receipt of fees.

**41.1008 Certificates of identity, stateless certificates and travel permits.**

(a) Certificate of Identity.

(1) A certificate of identity is a travel document issued under the authority of the Attorney General. No alien is eligible for a certificate of identity. No person who is eligible for a United States passport as a citizen or a national shall be issued a certificate of identity except in an emergency. An emergency is defined as follows:

(A) The applicant has filed for a United States passport; and

(B) The physical health of the applicant or an immediate member of the family is impaired and there is medical evidence to substantiate the health problem and travel is necessary; or

(C) There is a death or wedding in the applicant's family necessitating travel; or

(D) The applicant has been approved for education or training necessitating travel.

Sufficient proof must be filed to support the request such as an affidavit.

(2) In 1986 all eligible applicants may be granted a certificate of identity valid until December 31, 1986. Commencing January 1, 1987 a certificate of identity may be issued for periods up to and not exceeding 90 days.

(3) All applicants for a certificate of identity must file a certified birth certificate from any state, territory, or possession of the United States. Birth certificates for American Samoa must be verified

by the office prior to issuing the certificate of identity.

(4) The fee for issuing a certificate of identity shall be ~~\$25.00~~ 35.00.

(b) Stateless Certificate.

(1) A stateless certificate is a travel document issued by the Attorney General to aliens only.

The applicant for a stateless certificate must file an affidavit or official letter from the alien's native or citizenship country demonstrating that the country will not issue a passport to the alien, a certified birth certificate (any birth certificate not in English must be translated into English and the translator must certify the translation), two recent photographs, and file a personal affidavit as to the truth of the application. The alien is responsible for securing necessary visas or approvals from other nations as required.

(2) Aliens who have been approved by the board as American Samoans who cannot get passports from their native or citizenship country are eligible for stateless certificate on the basis of the board's approval and must supply a certified birth certificate and two recent photographs.

(3) A stateless certificate may be issued for up to 'three years.

(4) In order for an alien with a stateless certificate to enter the United States, a United States Visa is required.

(5) The fee for a stateless certificate is ~~\$50.00~~ 75.00.

(c) Travel Permit.

(1) A travel permit is a travel document issued by the Attorney General to an alien who is qualified for a passport from his or her native or citizenship country, but the passport is lost, stolen, mutilated or expired and the alien is returning to his or her native country.

(2) An alien applying for a travel permit must have a valid alien registration card and identification as required by 41.0309 ASCA or be an alien who is legally in the Territory as a visitor pursuant to 41.0502 ASCA. The alien registration card or two recent photographs and an affidavit stating the



facts as to the missing passport must be presented upon application for the travel permit.

(3) The travel permit shall be valid for one trip only to the native country and may not be used for entrance to American Samoa.

(4) Any alien who has an invalid or expired alien registration card or who has overstayed may be deported pursuant to law and not permitted to return to American Samoa pursuant to 41.0613 A.S.C.A.

(5) The fee for a travel permit is ~~\$25.00~~ 40.00.

#### **41.1009 Fees for Processing Visa Applications or Waiver of Visas.**

(a) Processing of applications for visas, or waivers thereof, to enter the United States are undertaken at the Passport and Visa Division of the Department of Legal Affairs. All applications are to be sent to the American Consulate office designated by the U.S. State Department for final determination and decision. Processing of applications for waiver of visas are done only on emergency situations.

(1) Processing fee for application for U.S. Visa is ~~\$25.00~~ 50.00.

(2) Processing fee for waiver of visa is ~~\$50.00~~ 100.00 on a regular working day; ~~\$100.00~~ 200.00 for an application made on a weekend or during nonworking hours.