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Office of the Attorney General
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American Samoa Government

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NOTICE OF INTENDED ACTION TO ADOPT IMMIGRATION RULES IN THE AMERICAN SAMOA ADMINISTRATIVE CODE TITLE 41, CHAPTER 11

On September 6, 2023, the Department of Legal Affairs intends to adopt certain rules under Title 41, Chapter 11 of the American Samoa Administrative Code regarding the American Samoa Entry Permit Waiver Program.

A copy of the proposed rules is available and may be picked up at the Office of the Attorney General, ask for Tuu Farani, at the Third Floor of the A.P. Lutali Executive Office Building, Utulei or may be downloaded from the American Samoa Government website or the Department of Legal Affairs website. Interested persons may submit written comments on the proposed administrative rules to the Office of the Attorney General on or before September 26, 2023.

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PROPOSED IMMIGRATION RULES

TITLE 41 AMERICAN SAMOA ADMINISTRATIVE CODE, CHAPTER 11

Pursuant to the American Samoa Code Annotated (ASCA) 4.1001 et seq, 41.0205 and 41.0207, the Attorney General proposes to adopt the immigration rules set forth in Title 41 of the American Samoa Administrative Code (ASAC), Chapter 11 regarding the American Samoa Entry Permit Waiver Program.

The proposed immigration rules are set out below.

PROPOSED RULE 2023-12 (American Samoa Administrative Code) creates new rules under ASAC 41.1101, 41.1102, 41.1103, 41.1104 and 41.1105.

41.1101: American Samoa Entry Permit Waiver Program:

A.The EPWP allows citizens of select countries to travel to American Samoa without obtaining an Entry Permit for stays up to 30 days or less for tourism and business purposes.

B.To be eligible for entry under the EPWP, a traveler must provide:

1. Non-Expired Machine Readable Passport that must be valid for at least 6 months after planned departure from American Samoa.
2. Confirmed round-trip ticket to point of origin or onward passage.
3. Written confirmation that traveler will be staying at a hotel or has lodging secured with a host while visiting American Samoa and that traveler or host will be responsible for all public debts of the traveler including but not limited to LBJ hospital medical expenses. The host must be at least 21 years old and is the owner of the home or lessee of an apartment in which traveler is staying in American Samoa.
4. Traveler did not violate the laws of American Samoa, the country of origin or other jurisdictions which are cause for exclusion or deportation.
5. Payment of US \$40.00 processing fee:
 - a. The above documents and payment must be provided to the Office of the Attorney General or the Immigration Office at least three business days before travel. Payment may be made at the Immigration Office or the online link: <https://www.legalaffairs.as.gov>.

- b. If the requirements are satisfied, the Office of the Attorney General will issue an OK to Board document allowing entry into American Samoa without an entry permit.
- c. Upon arrival at the port of entry, the traveler must present a copy of the OK to Board document to the Immigration officer.

C. Eligibility under the EPWP does not guarantee approval of an EPWP application or entry into American Samoa. Immigration officers may refuse entry at the port of entry based on American Samoa laws. A traveler who poses a threat to the welfare, health, safety, or security of American Samoa will be denied entry and placed back on the arriving vessel to be returned to the point of origin.

D. Travelers entering American Samoa to board fishing vessels or other commercial vessels are NOT eligible for the EPWP.

41.1102: Countries under the American Samoa Entry Permit Waiver Program:

A. Citizens of the following countries are eligible to travel to American Samoa under the EPWP. No person who purchased his/her citizenship by investment is qualified under the EPWP.

B. The citizens of the following countries may travel to American Samoa for up to thirty days without obtaining an Entry Permit under the EPWP. The Attorney General by memoranda may modify this list:

- | | | | | |
|-------------------|-------------|----------------------|-----------------|----------------------|
| 1. Andorra | 12. FSM* | 23. Latvia | 34. Poland | 45. United Kingdom** |
| 2. Australia | 13. Finland | 24. Liechtenstein | 35. Portugal | |
| 3. Austria | 14. France | 25. Lithuania | 36. San Marino | |
| 4. Belgium | 15. Germany | 26. Luxembourg | 37. Singapore | |
| 5. Brunei | 16. Greece | 27. Malta | 38. Slovakia | |
| 6. Canada | 17. Hungary | 28. Marshall Islands | 39. Slovenia | |
| 7. Chile | 18. Iceland | 29. Monaco | 40. South Korea | |
| 8. Croatia | 19. Ireland | 30. Netherlands | 41. Spain | |
| 9. Czech Republic | 20. Israel | 31. New Zealand | 42. Sweden | |
| 10. Denmark | 21. Italy | 32. Norway | 43. Switzerland | |
| 11. Estonia | 22. Japan | 33. Palau | 44. Taiwan | |

*Federated States of Micronesia

**Includes England, Scotland, Wales, Northern Ireland, the Channel Islands, and the Isle of Man.

C. A program will be established by October 2023 for Samoa citizens to travel to American Samoa for up to seven days without obtaining an Entry Permit because of American Samoa's close familial, cultural, linguistic and historical ties with Samoa, and in order for Samoa to reciprocate and waive Entry Permits or Visas for non-citizen U.S. Nationals traveling to Samoa. A Samoa citizen who does not have a passport may travel to American Samoa on a valid document of identity. There will be a monthly maximum of four hundred Samoa citizens who will be allowed entry to American Samoa under the Entry Permit Waiver Program. The Attorney General by memoranda may modify conditions of the Entry Permit Waiver Program for Samoa citizens.

41.1103: Permitted Activities Under the Entry Permit Waiver Program:

A. The following are examples of activities permitted while in American Samoa on the EPWP.

1. Business
 - a. Purchase goods and products from American Samoa for export.
 - b. Consult with business associates.
 - c. Attend a scientific, educational, professional, business conference or meeting.
 - d. Attend short-term training (you may not be paid by any source in American Samoa with the exception of expenses incidental to your stay).
 - e. Negotiate a contract.
2. Tourism:
 - a. Tourism.
 - b. Vacation (holiday).
 - c. Visit friends or relatives.
 - d. Medical treatment.
 - e. Participation in social events hosted by fraternal, social or service organizations.
 - f. Participation by amateurs in musical, sports or similar events or contests, if not being paid for participation.
 - g. Enrollment in a short recreational course of study, not for credit toward a degree (for example a two-day cooking class while on vacation).
 - h. Participation in cultural or religious exchanges or meetings.

41.1104: Prohibited Activities under the Entry Permit Waiver Program:

A. The following are examples of prohibited activities while in American Samoa on the EPWP.

1. Study for credit.
2. Employment.
3. Work as a foreign press, radio, film, journalist, or other information media.
4. Apply for residency or a public benefits program in American Samoa.
5. Apply for extension of stay in American Samoa, except in emergency situations.

41.1105: Penalties:

A. Any traveler under the Entry Permit Waiver Program who stays in American Samoa beyond the time allowed will not be qualified in the future for entry to American Samoa under the Entry Permit Waiver Program and is subject to a fine of \$100 per day for each day traveler overstays in American Samoa.

B. Any host under the Entry Permit Waiver Program who fails to comply with Host responsibilities under the Entry Permit Waiver Program will not be qualified in the future to be a host under the Entry Permit Waiver Program and is subject to a maximum fine of \$500.

C. Any traveler or host who provides false information in an application under the Entry Permit Waiver Program will be subject to penalties under the law and will be disqualified in the future from participating in the Entry Permit Waiver Program.