



U.S. Citizenship and Immigration Services

Federated States of Micronesia, Republic of the Marshall Islands, and Palau

Citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau Are Eligible to Work in the United States

Immigration Status of Citizens of the FSM, the RMI and Palau

Citizens of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and Palau may be admitted to the United States as nonimmigrants under the terms of those nations' respective Compacts of Free Association with the United States. These three countries are sometimes referred to collectively as the "Freely Associated States."

Citizens of the FSM, the RMI, and Palau are not citizens or nationals of the United States. Form I-9 instructions state that the term "noncitizen national of the United States" includes, among others, "certain citizens of the former Trust Territory of the Pacific Islands." This phrase refers to a very small group of persons resident in the Commonwealth of the Northern Mariana Islands in 1986 who chose voluntarily to give up their new U.S. citizenship. It does not apply to citizens of the FSM, the RMI, or Palau, although many of them are citizens of the former Trust Territory of the Pacific Islands (TTPI).

Work authorization

Under the terms of their respective Compacts of Free Association with the United States, citizens of the FSM, the RMI, and Palau are eligible to work in the United States as nonimmigrants for an unlimited length of time while maintaining lawful immigration status.

Completing Section 1 of Form I-9

When completing Section 1 of Form I-9, citizens of the FSM, the RMI, and Palau should attest to being an "alien authorized to work." Because their work

authorization does not expire, citizens of the FSM, the RMI, and Palau should enter “N/A” on the line calling for an expiration date in Section 1.

An employer may not request or require that an employee present documentation, including a passport or accompanying Form I-94, to verify information used to complete Section 1 of Form I-9. Requesting such documentation based on an individual’s citizenship status or national origin may violate the Immigration and Nationality Act’s employment-related anti-discrimination provision. See 8 U.S.C. § 1324b.

Documents Establishing Identity and Work Authorization

Citizens of the FSM, the RMI, and Palau admitted under the Compacts are all eligible to work in the United States while maintaining lawful immigration status. Form I-9 documentation for citizens of the FSM and the RMI is different than for citizens of Palau. Under the terms of the current Compacts of Free Association with the FSM and the RMI, citizens of the FSM and the RMI may present an unexpired FSM or RMI passport and a Form I-94 or I-94A for Form I-9 purposes. Under the terms of the current Compact of Free Association between Palau and the United States, however, citizens of Palau cannot present an unexpired Palauan passport with a Form I-94 or Form I-94A for Form I-9 purposes.

Acceptable Documents for Citizens of the FSM and the RMI

Citizens of the FSM and the RMI may present the following documents for Form I-9:

- An unexpired passport from the FSM or the RMI accompanied by a Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association (List A);
- An Employment Authorization Document (Form I-766) (List A); or
- Any combination of documents from List B and List C, including a driver’s license and an unrestricted Social Security card.

Acceptable Documents for Citizens of Palau

Palauan citizens may present the following documents for Form I-9:

- An Employment Authorization Document (Form I-766) (List A); or
- Any combination of documents from List B and List C, including a driver’s license and an unrestricted Social Security card.

Citizens of the FSM, the RMI, and Palau, like all employees, must be allowed to choose which document(s) they want to present from the Lists of Acceptable Documents to establish their identity and work authorization. Employers that demand that their employees present a specific document for Form I-9 based on the employee’s citizenship status or national origin may be violating the Immigration and Nationality

Act's employment-related anti-discrimination provision.

Typical notations on Forms I-94 issued to citizens of the FSM and the RMI

Because citizens of the FSM and the RMI may reside in the United States while maintaining lawful immigration status, they generally will not have an expiration date in the "admitted until" field on their Form I-94 or Form I-94A.

In some cases, the notation "D/S," or "Duration of Status," could be listed under the "admitted until" field on a Form I-94 or Form I-94A issued to citizens of the FSM and the RMI. This notation means that the individual is authorized to remain in the United States as long as he or she maintains valid status.

The exact notation on Form I-94 or Form I-94A under class of admission may vary and is subject to change. As of early 2011, the notation on Form I-94 or Form I-94A under class of admission typically will state the following:

- "CFA/FSM" (Compact of Free Association/Federated States of Micronesia) for FSM citizens; or
- "CFA/MIS" (Compact of Free Association/ Republic of the Marshall Islands) for RMI citizens.

Some current citizens of the FSM and the RMI may have been admitted to the United States before the effective date of the Compacts with those nations, under previous provisions of law applicable to the former Trust Territory of the Pacific Islands. The Compact effective dates were October 21, 1986 for the RMI and November 3, 1986 for the FSM. These prior entrants could have a notation of "PI" under class of admission on their Form I-94. Forms I-94 dated before the effective dates of the Compact are NOT acceptable evidence of employment authorization for Form I-9 purposes. These workers will need to present a valid Employment Authorization Document (Form I-766) or other acceptable evidence from List A, or Lists B and C.

Typical notations on I-94s issued to citizens of Palau

A class of admission listed as "CFA/PAL" indicates a citizen of Palau admitted under the Compact between the United States and Palau. Forms I-94 or Form I-94A indicating admission under the Palau Compact are NOT acceptable evidence of work authorization for Form I-9 purposes, even with a valid passport. These workers will need to present a valid Employment Authorization Document (Form I-766) or other acceptable evidence from List A, or Lists B and C.

Reverifying Citizens of the FSM and the RMI

Citizens of the FSM and the RMI admitted under the Compacts are eligible to work in the United States indefinitely. Employers should not reverify an individual who presents an unexpired foreign passport from the FSM or RMI accompanied by a Form

I-94 or Form I-94A indicating admission under the Compacts that does not have an expiration date in the “admitted until” field. Nevertheless, reverification may still apply if the individual presents a List A or C document that contains an expiration date, such as an Employment Authorization Document (Form I-766), for Form I-9. An employer should not reverify List B documents.

Reverifying Citizens of Palau

Citizens of Palau admitted under the Compact are eligible to work in the United States indefinitely. Nevertheless, reverification may still apply if the individual presents a List A or C document that contains an expiration date, such as an Employment Authorization Document (Form I-766), for Form I-9. An employer should not reverify List B documents.

How Employers of FSM, RMI, and Palauan Citizens Can Avoid E-Verify Tentative Nonconfirmations

Most E-Verify tentative nonconfirmations received by citizens of the FSM, the RMI, and Palau are a result of name and date of birth mismatches in E-Verify. When completing Form I-9, employees should use their full legal name and make sure to enter their date of birth in the month/day/year format. Employers should take care when entering their employee’s name and date of birth in E-Verify.

Citizens of the FSM, the RMI and Palau in Other Immigration Statuses

Most citizens of the FSM, the RMI and Palau who are lawfully present in the United States are Compact nonimmigrants, but some have U.S. lawful permanent resident (LPR) status or some other status under U.S. immigration law. These individuals should be verified using generally applicable Form I-9 procedures, regardless of their specific nationality.

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