

TO WHOM IT MAY CONCERN

**STATUS OF CITIZENS OF THE FREELY ASSOCIATED STATES
OF THE
FEDERATED STATES OF MICRONESIA
AND THE
REPUBLIC OF THE MARSHALL ISLANDS**

DISCLAIMER: THIS IS AN INFORMATION LETTER TO CLARIFY QUESTIONS CONCERNING THE STATUS OF THE CITIZENS OF THE FEDERATED STATES OF MICRONESIA (FSM) AND THE REPUBLIC OF THE MARSHALL ISLANDS (RMI) VIS-A-VIS TRAVEL TO THE UNITED STATES AND ENTITLEMENT TO U.S. CONSULAR ASSISTANCE ABROAD. THIS LETTER DOES NOT CONSTITUTE PROOF THAT THE BEARER IS A CITIZEN OF THE FSM OR THE RMI AND IS NOT A SUBSTITUTE FOR A TRAVEL DOCUMENT.

APPLICABLE LAW: PUBLIC LAW 99-239, THE COMPACT OF FREE ASSOCIATION ACT OF 1985 (IMMIGRATION AND NATIONALITY ACT, 9TH EDITION, APRIL 1992, 102D CONGRESS, 2D SESSION, SERIAL NO. 6, COMMITTEE PRINT, PAGES 479-483) SETS FORTH A JOINT RESOLUTION BETWEEN THE UNITED STATES OF AMERICA AND THE FSM AND BETWEEN THE UNITED STATES AND THE RMI REGARDING THE TERMINATION OF THE 1947 TRUSTEESHIP AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED NATIONS SECURITY COUNCIL REGARDING THE TRUST TERRITORY OF THE PACIFIC ISLANDS. ON OCTOBER 21, 1986 THE COMPACT OF FREE ASSOCIATION BETWEEN THE UNITED STATES AND THE RMI TOOK EFFECT. ON NOVEMBER 3, 1986 THE COMPACT OF FREE ASSOCIATION BETWEEN THE UNITED STATES AND THE FSM TOOK EFFECT.

CITIZENSHIP STATUS: UNDER THE TERMS OF SECTION 141 OF THE COMPACT, CITIZENS OF THE FSM AND RMI WHO WERE FORMERLY CITIZENS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS ARE NOW FSM AND RMI CITIZENS, RESPECTIVELY.

TRAVEL OF RMI OR FSM CITIZENS TO THE U.S.: CITIZENS OF THE FSM AND RMI (BUT NOT ALIEN SPOUSES OR CHILDREN) HAVE UNRESTRICTED ACCESS TO THE UNITED STATES TO LIVE, WORK, STUDY AND ASSUME "HABITUAL RESIDENCE" WITH NO U.S. VISA REQUIREMENT WITHOUT REGARD TO PARAGRAPHS (14), (20) AND (26) OF SECTION 212(A) OF THE IMMIGRATION AND NATIONALITY ACT. SEE 8 CFR 212 1(D); INS CO WIRE 212. 1-P DTD 11/6/86.

NATURALIZED CITIZENS OF THE RMI OR FSM: NOTE: IN ACCORDANCE WITH SECTION 141(A)(3) OF THE COMPACT, THE U.S. IMMIGRATION BENEFITS OF SECTION 141(A) OF THE COMPACT SHALL APPLY TO NATURALIZED CITIZENS OF THE FSM OR RMI WHO HAVE BEEN ACTUAL RESIDENTS THERE FOR NOT LESS THAN FIVE YEARS AFTER ATTAINING SUCH NATURALIZATION AND WHO HOLD A CERTIFICATE OF ACTUAL RESIDENCE. NATURALIZED CITIZENS OF THE RMI OR FSM WHO LACK THE REQUISITE FIVE YEARS ACTUAL RESIDENCE MUST APPLY FOR A U.S. VISA TO ENTER THE UNITED STATES AND MUST MEET THE REQUIREMENTS FOR ANY OTHER ALIEN, BOTH FOR IMMIGRANT AND NON-IMMIGRANT PURPOSES. INDIVIDUALS OBTAINING RMI OR FSM CITIZENSHIP BY NATURALIZATION THROUGH INVESTMENT OR PURCHASE OF THAT CITIZENSHIP DO NOT ACQUIRE THE U.S. IMMIGRATION BENEFITS OF THE COMPACT.

TRAVEL DOCUMENTATION: IN ORDER TO ENTER THE UNITED STATES THE ABOVE PURPOSES, CITIZENS OF THE FSM OR RMI MUST POSSESS AN APPROPRIATE TRAVEL DOCUMENT, SUCH AS AN FSM OR RMI PASSPORT OR CERTIFIED BIRTH CERTIFICATE.

ENTRY PERMIT FORM I-94, EMPLOYMENT AUTHORIZATION CARD AND SOCIAL SECURITY CARD: AT U.S. PORT OF ENTRY, RMI AND CITIZENS WILL BE ISSUED INS FORM I-94 (ARRIVAL/DEPARTURE CARD) ON WHICH INS WILL ADD A NOTATION REFLECTING THAT THE PERSON IS EITHER FROM THE RMI OR FSM. NO EMPLOYMENT AUTHORIZATION STAMP WILL BE ANNOTATED TO THE FORM I-94. THE RMI/FSM CITIZEN MUST THEN COMPLETE INS FORM I-765 IN ORDER TO BE ISSUED INS FORM I-688B (EMPLOYMENT AUTHORIZATION DOCUMENT). THERE IS NO FEE FOR THE I-765 OR I-688B WHICH IS VALID FOR ONE YEAR. RMI/FSM CITIZENS MAY APPLY FOR RENEWAL OF THE I-688B AT THE INS OFFICE WITH JURISDICTION OVER THEIR PLACE OF RESIDENCE IN THE U.S. THERE IS NO RENEWAL FEE. IF THE I-688B IS LOST, HOWEVER, THERE IS A SEVENTY DOLLAR REPLACEMENT FEE. IN ORDER TO WORK IN THE UNITED STATES, AN FSM OR RMI CITIZEN MUST OBTAIN A U.S. SOCIAL SECURITY CARD FROM THE NEAREST U.S. SOCIAL SECURITY OFFICE. SINCE FSM AND RMI CITIZENS DO NOT HAVE IMMIGRANT VISAS OR LABOR CERTIFICATIONS, THEY MUST PRESENT EVIDENCE OF AGE, IDENTITY AND CITIZENSHIP IN A COMPACT OF FREE ASSOCIATION STATE (E.G., I-94 ANNOTATED CFA/FSM OR A PASSPORT OF TRAVEL DOCUMENT ISSUED BY THE FSM OR RMI. (SSA:RM 00203.420A &B;BASIC (TN 16) 6/91). EMPLOYERS MAY REQUIRE PRESENTATION OF THE SOCIAL SECURITY CARD AND THE I-688B.

PERMANENT RESIDENCE/ADJUSTMENT OF STATUS: "HABITUAL RESIDENCE" STATUS IS NOT RESIDENCE FOR THE PURPOSES OF NATURALIZATION AS A U.S. CITIZEN. CITIZENS OF THE FSM OR RMI WILL NEED A U.S. IMMIGRANT VISA TO GAIN PERMANENT RESIDENCE IN THE UNITED STATES FOR THE PURPOSES OF IMMIGRATION. IF ALREADY IN THE UNITED STATES, CITIZENS OF THE FSM OR RMI, IF MARRIED TO A U.S. CITIZEN OR PERMANENT RESIDENT ALIEN OR OTHERWISE QUALIFYING UNDER CONDITIONS FOR ANY OTHER IMMIGRANT STATUS, MAY APPLY FOR ADJUSTMENT OF STATUS AT THE INS OFFICE WITH JURISDICTION OVER THEIR PLACE OF RESIDENCE. AS NOTED, PERMANENT RESIDENCE STATUS IS NOT REQUIRED FOR RMI OR FSM CITIZENS TO LIVE, WORK, STUDY OR ASSUME HABITUAL RESIDENCE IN THE U.S. LAWFUL PERMANENT RESIDENCE, REQUIRING A U.S. IMMIGRANT VISA, IS NECESSARY SHOULD THE RMI OR FSM CITIZEN EVENTUALLY WISH TO APPLY FOR NATURALIZATION AS A U.S. CITIZEN.

U.S. IMMIGRATION REQUIREMENTS FOR FSM AND RMI DIPLOMATS: IN ORDER TO ENSURE THAT ACCREDITED DIPLOMATS ARE PROPERLY IDENTIFIED, DESPITE THE GENERAL U.S. IMMIGRATION BENEFITS OF THE COMPACT, FSM AND RMI DIPLOMATS SHOULD CONTINUE TO BE ADMITTED IN THE CLASSIFICATION TO WHICH THEY WOULD BE ENTITLED WERE THEY IN POSSESSION OF A DIPLOMATIC VISA, E.G., A-1, A-2. THE IMMIGRATION BENEFIT OF THE COMPACT APPLIES REGARDLESS OF WHETHER THE BEARER HAS A DIPLOMATIC, OFFICIAL OR REGULAR RMI OR FSM PASSPORT. (INS WIRE CO DTD 12/19/86).

U.S. CONSULAR ASSISTANCE ABROAD: SECTION 126 OF THE COMPACT PROVIDES THAT AT THE REQUEST OF THE GOVERNMENT OF THE RMI OR FSM AND SUBJECT TO THE CONSENT OF THE FOREIGN COUNTRY, THE UNITED STATES SHALL EXTEND CONSULAR ASSISTANCE ON THE SAME BASIS AS FOR U.S. CITIZENS TO CITIZENS OF THE RMI AND FSM. FORMAL REQUESTS FROM THE FSM AND RMI TO THE SECRETARY OF STATE WERE MADE 11/20/86 AND 1/5/87 RESPECTIVELY FOR ASSISTANCE TO BE PROVIDED ON A WORLD-WIDE BASIS. ALL FOREIGN EMBASSIES IN WASHINGTON, D.C. WERE NOTIFIED OF THIS OBLIGATION ON 12/19/86 IN A DIPLOMATIC NOTE FROM THE SECRETARY OF STATE, IN ACCORDANCE WITH ARTICLE 8 OF THE VIENNA CONVENTION ON CONSULAR RELATIONS. U.S. CONSULAR OFFICERS ALSO PROVIDE ASSISTANCE TO FSM AND RMI CITIZENS IN CONNECTION WITH EXTENSION AND RENEWAL OF FSM AND RMI PASSPORTS. THESE SERVICES ARE AVAILABLE WHEN THE RMI OR FSM HAVE NO DIPLOMATIC OR CONSULAR REPRESENTATION IN A FOREIGN COUNTRY.