



U.S. DEPARTMENT OF JUSTICE
IMMIGRANT & EMPLOYEE RIGHTS SECTION
CIVIL RIGHTS DIVISION

INFORMATION FOR EMPLOYERS HIRING CITIZENS OF THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU

The United States has Compacts of Free Association with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau (collectively referred to as the Freely Associated States or FAS). These Compacts of Free Association make most FAS citizens eligible for admission to the United States as nonimmigrants. These FAS citizens are eligible to live and work indefinitely in the United States. While FAS citizens may have another U.S. immigration status, such as lawful permanent residence, references in this document to “FAS citizens” are limited to nonimmigrants under the Compacts of Free Association.

FAS citizens mark “alien authorized to work” in [Section 1 of the Form I-9](#). Because their right to work is permanent, they write “N/A” (which means “not applicable”) for the expiration date in Section 1.

As with all workers, [Form I-9 rules](#) direct you to allow FAS citizens to choose which documents to present from the Form I-9 Lists of Acceptable Documents to establish their identity and work authorization.

Under the Form I-9 instructions, all employees, including FAS citizens, can choose to present any unexpired List A document (such as an EAD) or a combination of any unexpired List B document together with any unexpired List C document (such as a government-issued identification card with an unrestricted Social Security Card) from the Form I-9 Lists of Acceptable Documents.

FAS citizens receive Social Security cards with no employment restrictions. They are also eligible, but not required, to apply for an Employment Authorization Document (I-766 or EAD). EADs are subject to Form I-9 reverification. For more information on the categories of persons eligible for EADs, see [8 C.F.R. 274a.12](#).

Alternatively, citizens of the Republic of the Marshall Islands or Federated States of Micronesia (but not citizens of Palau) sometimes choose to present an RMI or FSM passport and a Form I-94/94a, which is a [List A document](#) combination for Form I-9 purposes.

For reverification (e.g., for workers who presented an EAD), all workers, including FAS citizens, may present any valid List A (such as an unexpired passport with Form I-94/94A in the case of Republic of the Marshall Islands or Federated States of Micronesia citizen) or valid List C document (such as a Social Security card without restrictions).

Please note, some FAS citizens may have EADs that appear expired but qualify for an automatic extension and are still valid. If an FAS citizen’s EAD has expired but he or she has applied to renew the EAD, the worker may be able to keep working with the existing EAD. For 180 days after the EAD’s expiration date, the FAS citizen can show the EAD with an I-797C receipt notice showing that the government received the EAD renewal application. For more information on EAD automatic extensions, read this [USCIS Fact Sheet](#), the [Handbook for Employers on Completing the Form I-9](#), and [8 C.F.R. § 274a.2\(b\)\(1\)\(vii\)](#).

Under the law that the Immigrant and Employee Rights Section (IER) enforces, when verifying a worker’s employment authorization, employers are not allowed to demand more or different documents than necessary, request specific documents, or reject reasonably genuine-looking documents because of a worker’s citizenship, immigration status, or national origin. This type of discrimination generally happens during the Form I-9 and E-Verify processes. The part of the law that prohibits this type of discrimination is at 8 U.S.C. § 1324b(a)(6). For more information about how to avoid discrimination under this law, please contact IER.

Immigrant and Employee Rights Section (IER)

1-800-255-8155

www.justice.gov/ier

Calls can be anonymous and language services are available.

TTY 1-800-237-2515

This guidance document is not intended to be a final agency action, has no legally binding effect, and has no force or effect of law. The document may be rescinded or modified at the Department’s discretion, in accordance with applicable laws. The Department’s guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent. For more information, see “Memorandum for All Components: Prohibition of Improper Guidance Documents,” from Attorney General Jefferson B. Sessions III, November 16, 2017.

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