



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

Citizens of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau Have the Right to Work Without Facing Discrimination: What Employers Should Know

Most citizens of the FSM, the RMI, and Palau (collectively referred to as the “Freely Associated States” or “FAS”) are eligible under the Compacts of Free Association between the United States and the FAS (“Compacts”) for admission to the United States as nonimmigrants, and are eligible to live and work indefinitely in the United States. While FAS citizens may have a U.S. immigration status other than nonimmigrant admission under the Compacts, such as lawful permanent residence, references in this document to “FAS citizens” are limited to nonimmigrants under the Compact.

- FAS citizens should mark “alien authorized to work” in Section 1 of the Form I-9. They should also write “N/A” or “indefinite” for the expiration date in Section 1 of the Form I-9 because their employment authorization does not expire.
- FAS citizens are eligible to receive Social Security cards with no employment restrictions. They are also eligible but not required to apply for Employment Authorization Documents (“EADs”), which are subject to reverification if presented for Form I-9 purposes.
- Citizens of the RMI or FSM may present an RMI or FSM passport and a Form I-94/Form I-94A showing admission under the Compact, which serves as a List A document for Form I-9 purposes. However, citizens of Palau cannot present a Palau passport and Form I-94/Form I-94A combination for Form I-9 purposes.

As with all workers, you must 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.

- You must allow all newly hired workers, including FAS citizens, the opportunity to present any List A document or a combination of any List B document and any List C document from the Form I-9 Lists of Acceptable Documents, such as an EAD (List A), or a government-issued identification card (List B) with an unrestricted Social Security card (List C).
- For reverification (e.g., for workers who presented an EAD), you must allow all workers, including FAS citizens, the opportunity to present any List A or List C document, such as an unexpired passport from the FSM or the RMI with a Form I-94/Form I-94A (List A) or a Social Security card with no restrictions (List C).
- If, based on a worker’s citizenship, immigration status, or national origin, you demand that a worker present a specific document for the Form I-9, demand that a worker present more or different documents than required by the Form I-9, or reject a worker’s documentation that should have been acceptable for the Form I-9, you may violate the Immigration and Nationality Act (INA)’s anti-discrimination provision. For more information about how to avoid discrimination under the INA, please contact the Immigrant and Employee Rights Section in the Department of Justice’s Civil Rights Division, which enforces this law. See IER’s contact information below.

If you have questions about discrimination, the Immigrant and Employee Rights Section (formerly the Office of Special Counsel for Immigration-Related Unfair Employment Practices) has a free employer hotline: 1-800-255-8155 (1-800-237-2515 for hearing impaired); 9am-5pm Eastern, Monday-Friday. Language interpretation is available in many languages. For more information visit: www.justice.gov/ier. For information from U.S. Citizenship and Immigration Services about FAS citizens and the Form I-9, visit: <https://www.uscis.gov/i-9-central/complete-correct-form-i-9/complete-section-1-employee-information-and-verification/federated-states-micronesia-republic-marshall-islands-and-palau>.