



Fact Sheet

June 21, 2007

STATUS OF CITIZENS OF THE REPUBLIC OF PALAU

Background: The Republic of Palau (Palau) is a sovereign nation located in the Western Pacific Ocean, between Guam and the Philippines. The *Compact of Free Association Approval Act* (Public Law (99-658, Nov. 14, 1986) set forth a joint resolution between the United States and Palau regarding the termination of the U.S. trusteeship over the former Trust Territory of the Pacific Islands (TTPI). The resolution further provided the basis for Palau to be established as a sovereign nation with a special relationship with the United States. After the necessary approval by the voters of Palau in a 1993 referendum and further diplomatic agreement regarding the termination of the U.S. trusteeship over Palau, the Compact of Free Association between the United States and the new Republic of Palau took effect on October 1, 1994, pursuant to Presidential Proclamation No. 6726, 59 Federal Register 49777 (Sept. 27, 1994), and the terms of Public Law 99-658 and Public Law 101-219 (Dec. 12, 1989).

Note: The United States also has Compacts of Free Association with the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM). As the Compacts with the RMI and FSM contain different provisions relating to immigration status than the Compact with Palau, this fact sheet applies ONLY to Palau, and should not be used for any informational purpose regarding citizens of the FSM and the RMI. For information on the FSM and the RMI, see the U.S. Citizenship and Immigration Services (USCIS) Fact Sheet entitled "Status of the Citizens of the Freely Associated States of the Federated States of Micronesia and the Republic of the Marshall Islands" (Feb. 11, 2005).

Note further: Currently, the Commonwealth of the Northern Mariana Islands (CNMI) and American Samoa have their own separate requirements for travel and admission. This fact sheet does not apply to persons seeking to travel to these two U.S. possessions. Palauans who wish to travel to these places should obtain information from the local immigration authorities of these possessions.

CITIZENSHIP STATUS

- Citizens of Palau are not citizens or nationals of the United States.

TRAVEL OF CITIZENS OF PALAU TO THE UNITED STATES

- Citizens of Palau by birth, and citizens of the former TTPI who acquired Palau citizenship in 1994, are entitled under the Compact to travel and apply for admission to the United States as nonimmigrants without passports or visas. Admission to the United States, however, is not guaranteed. Most grounds of inadmissibility under U.S. immigration laws, such as criminal convictions, are applicable.

- If determined admissible under the Compact, citizens of Palau may live, study and work in the United States. They are granted an indefinite length of stay, also referred to as “D/S” or “duration of status.”

CLASSES OF CITIZENS WHO MAY EXERCISE COMPACT PRIVILEGES

- In addition to citizens of Palau by birth and former TTPI citizens, naturalized citizens of Palau who have been actual residents of Palau for not less than five years after naturalization with a certificate of actual residence may exercise privileges under the Compact.
- Compact privileges apply only to Palauan citizens; they do not apply to non-Palauan-citizen husbands, wives, and children of Palauan citizens. These non-Palauans must apply for admission under the provisions of U.S. immigration law that apply to their nationality and U.S. immigration status sought, including those regarding possession of a valid passport, and if also required, a U.S. visa.
- It is important to note that the privileges and responsibilities of persons admitted to the United States under the Compact do not differ depending upon their specific basis of eligibility for admission. In other words, once a person is admitted it does not matter for employment eligibility or other purposes whether the person is a citizen of Palau by birth, former TTPI citizen, or a naturalized citizen of Palau who is eligible for admission as a nonimmigrant under the Compact.

TRAVEL DOCUMENTATION

- In order to seek admission to the United States under the Compact, a citizen of Palau is not required to have a passport. A Palauan citizen may also be admitted to the United States with other proof of citizenship, such as a certified birth certificate and proof of identity, which may be in the form of a government issued photo-ID card. A valid passport, however, is the best document to establish Palauan nationality, and therefore, eligibility to travel to and seek admission as a nonimmigrant into the United States under the Compact. Palauans are strongly advised to travel to the United States with a valid passport.
- A Palauan citizen applying for admission under the Compact does not need a U.S. visa.
- Individuals seeking admission under the Compact (particularly those who are not citizens of Palau by birth or former TTPI citizens) are advised to bring copies of any relevant documentation or other available evidence (such as certificate of residency or evidence of naturalization) that may assist them in demonstrating to the U.S. Customs and Border Protection (CBP) officer at the port of entry their eligibility for admission under the Compact.

DOCUMENTATION OF ADMISSION TO THE UNITED STATES

- Prior to seeking admission at a U.S. Port of Entry, Palauan citizens will be asked to complete a Form I-94 (Arrival/Departure Card) issued by CBP. The air carrier generally

will provide passengers with a Form I-94 prior to landing in the United States. On the Form I-94, a CBP officer will make a notation reflecting that the person's admission is pursuant to the Compact.

- The exact notation is subject to change, but at the present time it typically states "CFA/PAL" (Compact of Free Association/Palau). Currently, CBP will also notate the Form I-94 with the letters "D/S," which stands for "duration of status" (meaning that there is no maximum authorized length of stay).
- Persons issued an I-94 should take care not to lose the card, as it will serve as their evidence of alien registration. All foreign visitors to the United States over the age of 18 (including Palau citizens) are required under penalty of law to have this evidence in their personal possession at all times. Should a person lose his or her evidence of registration (I-94), he or she will be required to apply for a replacement document as soon as possible (note that an Employment Authorization Document, described further below under the heading "Employment Authorization and Documentation", is also evidence of alien registration).
- The Form I-94 includes a printed admission/departure number, which should be provided in response to authorized requests for the alien registration number for immigration status verification purposes.

TERMS AND CONDITIONS OF ADMISSION

- Persons admitted under the Compact must abide by any terms and conditions of admission prescribed by the Department of Homeland Security, and must obey the laws of the United States and of the state and locality in which they reside.
- The grounds of removability generally applicable to aliens in the United States, such as conviction for an aggravated felony, apply to persons admitted under the Compact.

ADMISSION UNDER THE IMMIGRATION AND NATIONALITY ACT AND LAWFUL PERMANENT RESIDENCE

- Palauan citizens admitted to the United States under the Compacts may reside, work and study in the United States, but they are not "lawful permanent residents" (also known as "green card holders") under the Immigration and Nationality Act. They are not precluded, however, from becoming lawful permanent residents if they are otherwise eligible under the immigration laws, either through the immigrant visa application process at a U.S. consular post abroad or by adjustment of status within the United States. A person must be granted lawful permanent resident status in the United States if he or she eventually wishes to apply for naturalization as a U. S. citizen.
- Palauan citizens or residents who are not eligible for admission without visa as nonimmigrants under the Compact may in certain circumstances be able to apply for a nonimmigrant or immigrant visa for admission to the United States under the immigration laws generally applicable to all aliens. A U.S. Embassy or Consulate can provide visa information to such individuals.

EMPLOYMENT AUTHORIZATION AND DOCUMENTATION

- Palauan citizens admitted under the Compact are eligible to be employed in the United States. Palauan citizens desiring to work should apply for a U.S. Government-issued “Employment Authorization Document” (Form I-766 or “EAD”), by filing a Form I-765 application for an EAD with USCIS. An EAD also qualifies as evidence of alien registration.
- Note that an unexpired Palau passport with an unexpired Form I-94 does NOT establish identity and employment authorization for the purposes of employment eligibility verification (the Form I-9).
- All requirements and procedures relating to the Form I-9 and the employer sanctions laws apply to Palauan citizens in the same manner as to other individuals in the United States. If Palauan citizens possess other acceptable evidence of employment eligibility, such as a U.S. driver’s license and an unrestricted Social Security Card, they may use that documentation in completing the Form I-9 instead of an EAD.
- For EAD information, and other U.S. Immigration information, visit: www.uscis.gov, or phone USCIS’s National Customer Assistance Center at: 1-800-375-5283.

SOCIAL SECURITY CARD

- A person admitted under the Compact may obtain a Social Security number (SSN) and SSN card from the nearest Social Security Administration (SSA) office. Such persons must present evidence of age, identity, and Palauan citizenship, such as a passport and properly notated Form I-94, as SSA may require. A Palauan citizen who has been admitted under the Compact is issued an SSN card WITHOUT the legend, “Valid for Work Only With DHS Authorization,” or any other similar legend. The SSN card must be obtained in the United States from SSA. It cannot be issued by the U.S. Embassy in Palau.
- For more information regarding Social Security, please visit the SSA’s website at: www.ssa.gov.

MILITARY SERVICE

- Under section 341 of the Compact and section 504 of title 10, U.S. Code, Palauan citizens entitled to admission to the United States under the Compact are eligible to volunteer for service in the U.S. Armed Forces.

U.S. IMMIGRATION REQUIREMENTS FOR PALAUAN DIPLOMATS

- Although it is not a requirement of immigration law, the Department of State requires that Palauan citizens coming to the United States to take up diplomatic duties or to work at an international organization obtain the appropriate nonimmigrant visa in “A” or “G” classification in order for their official status to be recognized by the United States. The

Department of State also strongly encourages other Palauan citizens coming to the United States to engage in official activities on behalf of their government to obtain a U.S. visa.

U.S. CONSULAR ASSISTANCE ABROAD

- Section 128 of the Compact provides that at the request of the Government of Palau, 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 Palau outside the United States. A formal request from Palau to the Secretary of State was made for assistance on a worldwide basis. All foreign embassies in Washington, D.C. have been notified of this obligation 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 Palauan citizens in connection with extension and renewal of Palauan passports. These services are available when Palau has no diplomatic or consular representation in a foreign country.