



Dear Ambassador Kyota:

We are writing to provide documentation of important information about the immigration status in the United States of citizens of the Republic of Palau. The purpose of this letter, and the appended fact sheet, is to ensure eligible Palauan citizens and relevant U.S. government agencies and officials at the federal, state, and local levels have appropriate information about the special immigration privileges enjoyed by citizens of Palau.

In 1994, President Clinton signed Presidential Proclamation 6726, announcing the entry into force of the Compact of Free Association between the United States and Palau. This international agreement was incorporated into Public Law 99-658 and authorized by Public Law 101-219.

Under the U.S.-Palau Compact, eligible Palau citizens enjoy special immigration privileges. They may work, study, and reside in the United States in nonimmigrant status without a U.S. visa. Eligible Palau citizens may remain in the United States, indefinitely.

Citizens of Palau arriving in the United States are required to possess appropriate travel documentation, and are given passport stamps at the U.S. port of entry. For citizens of Palau, these stamps do not indicate an end date, as they are currently granted an unlimited length of stay. U.S. Customs and Border Protection issues the Form I-94 to citizens of Palau, but this is now an automated process rather than a paper form provided at the port of entry (a copy of the Form I-94 can be accessed online). Citizens of Palau working in the United States must obtain a Social Security number and, therefore, should possess and be able to produce a Social Security card. Citizens of Palau admitted under the Compact may use a U.S. Citizenship and Immigration Services Employment Authorization Document (EAD), or use a combination of a valid state driver's license (or other acceptable evidence of identity) and an unrestricted Social Security card, for employment eligibility verification purposes (the Form I-9). Additionally, citizens of Palau admitted under the Compact are not required to obtain a Form I-20 should they choose to enroll in a U.S. institution of higher education.

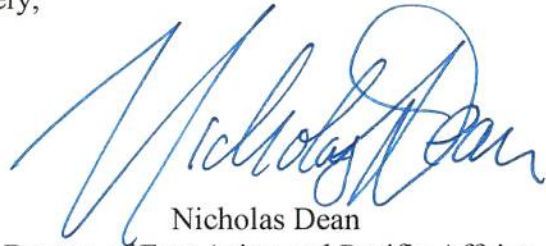
As lawful nonimmigrants, Palau citizens admitted under the Compact are eligible (if otherwise qualified under state law) to be issued state drivers' licenses compliant with the REAL ID Act of 2005. The Department of Homeland Security (DHS) has provided guidance to state motor vehicle authorities advising them that a citizen of Palau presenting an EAD may be issued a REAL ID-compliant driver's license valid until the expiration date of the EAD, rather than limiting the validity period of the driver's license to one year for nonimmigrants with no defined end of stay.

Please do not hesitate to contact DHS or the U.S. Department of State with further questions.

Sincerely,

A handwritten signature in blue ink that reads "Matthew King". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matthew King  
Office of International Engagement  
U.S. Department of Homeland Security

A handwritten signature in blue ink that reads "Nicholas Dean". The signature is highly stylized and cursive, with a large circular flourish at the end.

Nicholas Dean  
Bureau of East Asian and Pacific Affairs  
U.S. Department of State

Enclosure: Department of Homeland Security Factsheet



# Fact Sheet

July 23, 2018

## 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) approved a joint resolution between the United States and Palau to terminate the United States trusteeship over the former Trust Territory of the Pacific Islands (TTPI) and establish Palau as a sovereign nation with a special relationship with the United States. The Compact of Free Association between the United States and Palau took effect on Oct. 1, 1994.

**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 Citizens of the Federated States of Micronesia and the Republic of the Marshall Islands.”

### **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 visas. However, admission to the United States is not guaranteed. Most grounds of inadmissibility under United States 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.

### **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, and if also required, a United States visa.

For employment eligibility or other purposes, once admitted into the United States under the Compact it does not matter 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**

To gain admission to the United States under the Compacts, a citizen of Palau must possess a valid, unexpired Palauan passport. Those applying for admission under the Compacts do not need a U.S. visa, or any other travel documentation.

Individuals seeking admission under the Compact (particularly those who are not citizens of Palau by birth or former TTPI citizens) should 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 their eligibility for admission under the Compact to the U.S. Customs and Border Protection (CBP) officer at the port of entry.

### **Documentation of Admission to the United States**

After arriving at a U.S. port of entry, Palauan citizens will receive admission stamps in their passports upon admission by CBP to the United States under the Compact. The admission stamp will reflect that the admission relates to the Compact.

The exact notation may vary and is subject to change, but at the present time it typically states “CFA/PAL” (Compact of Free Association/Palau).

CBP also issues Form I-94, Arrival/Departure Record, to nonimmigrants, such as Palauan citizens, upon their admission to the United States effective April 30, 2013; CBP began automating Form I-94 for travelers arriving in the United States through air and sea ports of entry. Form I-94 is now created electronically upon arrival. This means that CBP will no longer automatically hand paper Forms I-94 to Palauan citizens upon admission at air and sea ports of entry. Instead, Palauan travelers can obtain a paper version of their Form I-94 by logging on to CBP’s website ([www.cbp.gov/I94](http://www.cbp.gov/I94)) using identifying information and then printing the form. Both initial and replacement Forms I-94 may be obtained through CBP’s website.

CBP will still issue paper versions of Form I-94 at air and sea ports of entry to those travelers who request paper versions at the time of their arrival to the United States. These paper Forms I-94 will contain an admission stamp, but will not have an “admit until” date. However, Forms I-94 obtained from the CBP website will show an “admitted until” date of D/S (duration of status).

The 11-digit admission/departure number on Form I-94 takes the place of the alien registration number (A-number) for those admitted under the Compact who are not otherwise assigned an A-number. A person admitted under the Compact should provide this Form I-94 number in place of an A-number in response to any official requests.

Either a printed Form I-94 or the admission stamp in the Palauan passport is evidence of alien registration. All foreign visitors to the United States over the age of 18 (including Palauan citizens) are required under penalty of law to have this evidence in their personal possession at all times.

### **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 or are present.

The grounds of removability that generally apply to foreign nationals in the United States, such as conviction for an aggravated felony, apply to persons admitted under the Compact.

### **Admission Under the INA and Lawful Permanent Residence**

Palauan citizens admitted to the United States under the Compact may reside, work and study in the United States. They do not have the status of lawful permanent residents (also known as Green Card holders) under the Immigration and Nationality Act (INA).

Palauan citizens admitted to the United States under the Compact may become lawful permanent residents, however, if they are otherwise eligible under immigration laws, either through the immigrant visa process or by adjustment of status within the United States. People generally must be granted lawful permanent resident status in the United States before they can apply for naturalization as a U.S. citizen.

In certain circumstances, Palauan citizens or residents who are not eligible for admission without a visa as nonimmigrants under the Compacts may be able to apply for a nonimmigrant or immigrant visa under the immigration laws generally applicable to all foreign nationals. A U.S. Embassy or U.S. Consulate can provide visa information. Visa information is also available from the U.S. Department of State at <http://travel.state.gov/content/visas/english.html>.

### **Employment Authorization and Documentation**

Palauan citizens admitted under the Compacts may freely seek employment in the United States. However, like other employees working in the United States, they will be required by their employers at the time of hire to complete an attestation regarding their employment authorization and present document(s) showing identity and employment authorization for completing Form I-9, Employment Eligibility Verification. To satisfy the document presentation requirement, employees may choose a document or combination of documents listed on Form I-9, in the section "Lists of Acceptable Documents."

One document listed in the section "Lists of Acceptable Documents" that is available to citizens of Palau upon request from USCIS is Form I-766, Employment Authorization Document (EAD). While under the Compact, citizens of Palau do not need to apply for, possess or renew an EAD, though they are strongly encouraged to apply for one by completing [Form I-765, Application for Employment Authorization](#). The EAD with a category code of A08 is issued to them free of charge. Applicants filing EAD renewal applications under category A08 may receive automatic extensions of expiring or expired EAD for up to 180 days. The extension begins on the date the EAD expires and continues for up to 180 days unless the renewal application is denied.

In addition to serving as evidence of both identity and employment authorization, the EAD is very useful in applying for a driver's license or other situations where secure U.S. government-issued evidence of identity or immigration status may be requested.

Note that an unexpired Palauan passport with an unexpired Form I-94 does *not* establish identity and employment authorization for Form I-9 purposes.

All requirements and procedures relating to [Form I-9](#), and the employer sanctions laws, apply to Palauan citizens in the same manner as to other employees in the United States.

### **Study**

Palauan citizens admitted under the Compact may study at any school in the United States. Schools enrolling a Palauan citizen admitted under the Compact should not register the student with the Student and Exchange Visitor Program (SEVP), and the student does not need to present a Form I-20 or Form DS-2019.

### **Social Security Card**

A person admitted under the Compact may obtain a Social Security number (SSN) and Social Security card from the Social Security Administration. A Palauan citizen who has been admitted under the Compact is issued a Social Security card without the statement, "Valid for Work Only with DHS Authorization." For Form I-9 purposes, this is a "List C" document that a Palauan citizen can show his or her employer as evidence of employment authorization (but not identity).

The Social Security card must be obtained in the United States from the Social Security Administration. It cannot be issued by the U.S. Embassy in Palau.

### **Military Service**

Under section 341 of the Compacts, Palauan citizens entitled to admission to the United States under the Compact are eligible to volunteer for service in the U.S. armed forces.

### **Visa Requirements for Palauan Diplomats**

Palauan citizens coming to the United States to assume diplomatic duties or to work at an international organization must 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 to have a visa if they are coming to the United States to engage in official activities on behalf of their government.

### **U.S. Consular Assistance Abroad**

Under section 126 of the Compact, the United States extends consular assistance to citizens of Palau in foreign countries on the same basis as for U.S. citizens, subject to the consent of the foreign country.

U.S. Consular officers also help Palauan citizens extend and renew their Palauan passports. These services are available when Palau has no diplomatic or consular representation in a foreign country.