

ESSENTIAL INFORMATION FOR CITIZENS OF THE FEDERATED STATES OF MICRONESIA TRAVELING TO THE UNITED STATES AND POSSESSIONS. December 2001, 1st Edition

Introduction

This brochure is prepared for the use of the Citizens of the Federated States of Micronesia (FSM) who travel to the United States of America (US) and its Territories for the purposes of a visit, to reside, to secure an education and/or seek employment. It contains very important information that you need to know in order to make your visit and stay in the US enjoyable and profitable. It also refers to a few benefits and privileges that FSM citizens enjoy under the Compact of Free Association. Without any intent to discourage FSM Citizens from traveling to the US, it is nevertheless very important that the traveler be aware of the most important “do’s and don’t” regarding his/her travel to, and staying in the United States.

The Compact of Free Association is a Treaty Agreement between the FSM and the US (US Public Law 99-239), which was implemented on November 3, 1986. The financial package of the Compact expires in 15 years but all other aspects of the agreement remains intact. The expired provisions of the Compact are now being negotiated.

It is very important to remember that when FSM citizens enter the US and its Territories and Possessions, we do so as “guests” and we should behave accordingly. Given our special relationship with the US as recognized by the Compact, certain privileges and benefits are extended to FSM citizens. This does not give us any right to disobey and/or violate the laws of the US or its territories and possessions where we are “guests”. We must respect the standards, ordinances and wishes of the local communities where we reside. FSM citizens must keep in mind that FSM laws, customs, attitudes, and way of life do not apply in the US and its territories and possessions. We must also keep in mind that privileges and benefits when abused can be either limited and/or taken away.

You are a Citizen of the FSM, welcome to America. Make your family, your state and your country proud of you.

Orientation

It is important that you learn as much as you can about a given place in the US before you move there. There are reliable sources such as libraries, websites, tourist brochures, trusted friends and family members, etc.

It is especially important that you have access to sufficient financial resources ahead of time because very little in the US and its territories and

possessions is available for free. Such essentials as medical care cost money, unless your employer or school provides health insurance. The compact does not provide free medical care.

An important function of the FSM embassies and consulates is to assist its citizens in whatever ways possible and authorized. Citizens are encouraged to call their FSM overseas offices for information and possible assistance. If the offices are not in position to assist, they can at least get you in touch with people that may be able to help.

Travel document

Although not yet required by law, it is strongly recommended that FSM citizens secure an FSM Passport before traveling to any destination outside the FSM, including Guam and CNMI. A regular FSM Passport costs \$50.00 and is valid for 10 years from the date of issue.

Passport applications can be requested from the FSM Embassy in Washington, DC or the FSM Consulate Offices in Hawaii and Guam. It may also be downloaded from the embassy website at <http://www.fsm@fsmembassy.org> or requested directly from the FSM Immigration Offices in the FSM.

The embassy and consulate offices may assist citizens in forwarding their passport applications to the National Government for processing. Otherwise, applications may be sent directly to the National Government at:

FSM Department of Justice
Division of Immigration
Palikir, Pohnpei FM 96941

Fax Number (691) 320-7250
Tel Number (691) 320-5844
Email: imhq@mail.fm

Other forms of documents such as valid birth certificates and temporary identification cards can sometimes be used in emergency circumstances. However, there is no guarantee that the authorities will accept these where you attempt to use them, and you may be seriously inconvenienced as a result.

Due to the recent terrorist attacks on the US, travel documentation requirements are likely to be made even rougher than before. A valid FSM Passport is still the only travel document that can be used with confidence.

US Immigration

Upon entry into the US and its territories and possessions, the first clearance point will be the US Immigration. Prior to arrival, the carrier will provide all non-US citizens with a form called an I-94. An I-94 must be filled out each time you enter the US, its territories and possessions. Complete the I-94 form

before approaching the US Immigration. The agents of the airline should be able to help you in filling out your I-94. Present your FSM Passport and other valid travel document along with the I-94 to the US Immigration Official.

US Immigration will stamp “CFA/FSM” on your I-94 form and staple it to your travel document. “CFA” stands for Compact of Free Association. Do not lose the I-94 form because it is your only proof that you have been legally admitted into the US. Lost I-94’s may be replaced but it is a very time consuming and troublesome process.

When you leave the US, US Immigration and/or other personnel, processing your departure from the US, will remove the form from your travel document and keep it.

FSM Citizens do not need a visa to enter the US and its territories & possessions. Under the Compact, the FSM passport or other valid travel document along with the I-94, is sufficient for entry into the US and its territories and possessions. The US Immigration & Naturalization Service (INS) may be reached at 1-800-375-5283 or at “<http://www.ins.usdoj.gov>”.

US Customs

All incoming luggage, boxes, purses, articles, etc., are subject to be searched and inspected by the US Customs Service. Following the terrorist attack on the United States (September 11th) and for the indefinite future, you can expect all US Customs inspections to be extremely thorough.

The US Customs Form will be provided to you prior to your arrival in the US, its territories & possessions. Fill out the form completely. If you have any questions, ask the carrier’s agents who will be available to answer questions and assist you.

Certain Micronesian food items and apparel that may not be allowed into the US, its territories and possession because they are either considered to be diseased, came from animals on the US Endangered Species List, and/or considered illegal under US laws. Items that fall in these categories will be confiscated by the US Custom Officials and destroyed.

A state and/or territory may have additional customs requirements of its own that the arriving FSM citizen should be aware of. Your carrier should have all this information available on hand.

Employment

Under the Compact of Free Association, FSM citizens are entitled to reside, travel, study and work in the US and its territories. A green card is not required. However, for employment purposes, law requires FSM citizens to file for an Employment Authorization Document (EAD card) from the nearest

US Immigration Office using Form I-765. While not all employers demand to see the EAD card, by law, they are required to make sure that the FSM citizen has a valid EAD card prior to employment. We recommend that each FSM citizen intending to live and work in the US, apply for the EAD as soon as possible upon arrival. The EAD must be renewed annually.

Per US INS Directive HQISD70/29-2, each immigration office in the US is authorized to issue the EAD card either immediately or within a few days, to the FSM citizen upon application. Renewal application for the EAD should be mailed in, at least 90 days prior to the expiration date.

FSM citizens do not pay a fee for the EAD, however if you lose your card, you must pay for the replacement. Not filing for the EAD and/or not keeping it current could lead to temporary employment suspension.

While FSM citizens are eligible for most employment opportunities in the US, its territories and possessions on a non-discriminatory basis, there are some jobs requiring a security clearance, such as certain law enforcement positions, officers in the US military, and Federal government positions, where US citizenship is required.

Education - Student Assistance

FSM students are eligible to attend public schools in the US and its territories and possessions provided that they meet the school’s minimum requirements.

Public schools (elementary thru high school) are usually free.

Post-secondary education on the other hand, is very expensive. College and University tuitions vary from institution to institution and some may offer scholarships and other forms of financial assistance.

FSM college students are eligible to apply for Pell Grants and other Student Work Study Programs. FSM students are not eligible for the US Federal Government Student Loans. Other forms of student loans such as private and/or institutional loans are also available.

Prior to leaving the FSM, students are encouraged to contact the FSM Department of Education or the Education department in their home state and let them know that they will be going to college and would need information and help with all forms of student financial assistance.

Welfare and Social Security

FSM citizens are not currently eligible for US federal welfare protection and benefits under the Compact of Free Association. Prior to 1995, certain

federal welfare benefits applied pursuant to US law, but this is no longer the case except for the programs associated with the federal low cost housing. Although in some states, FSM citizens have been able to receive state welfare benefits, this is purely at the discretion of each state.

Social Security is a US federal retirement system that is supported by withholding from employees paychecks. All FSM citizens are eligible to apply for a US social security number. The social security number is the cardholders personal account number for social security withholding and payment of benefits. It is also used by many other federal and state agencies in the US and its territories and possessions for identification purposes. While it is not technically a requirement, most employers expect FSM applicants to have social security numbers.

All FSM citizens are entitled to a Social Security Card without any prohibiting language on the front face of the card. Cards issued to FSM citizens with the language “*not allowed to work without INS authorization*”, have been issued in error and should be returned to the nearest US Social Security Office for re-issuance. Social Security numbers are issued on a permanent basis. If you lost your card and/or forgot your SS number, you can always check with the US Social Security Office and they will re-issue you a new card with the same number. You will have to show proof of who you are.

FSM citizens are eligible to apply for Social Security benefits at the age of 62. FSM citizens must have been gainfully employed in the US, its territories & possessions and paying social security deductions for at least 40 quarters or ten years. Should an FSM citizen SS card holder cease to be employed before working the 40 quarters; there is no current process in place for obtaining a refund for the amount withheld from paychecks for the social security account.

The national number for the US Social Security Administration is 1-800-772-1213 or/at “<http://www.ssa.gov>”.

Laws & Regulations

There are at least four (4) sets of laws that the FSM citizen should be aware of in the US, its territories & possessions. They are a) US Federal Laws; b) State Laws; c) County Laws and d) Municipal Laws. The law enforcement officials are there to ensure that the laws are followed and observed.

Any FSM citizen who is convicted of a felony in any US court will be considered to be an undesirable alien and may be deported from the US, its territories and possessions as soon as he/she has served their jail term. A felony is a serious crime that merits a year or more of prison time. Thereafter, that person is permanently barred from entering the US,

and its territories and possessions. US Immigration computers contain the names of persons in this category, and if you attempt to slip through, you most likely will be caught and jailed.

When a FSM citizen has completed his/her jail term, the US INS will pick up that FSM citizen and process him/her for deportation to the FSM.

Processing implies being put in US Federal Detention Centers, appearing before a US INS Judge, and deportation from the US, its territories and possessions. This process can take many months to complete, during which the deportee remains in confinement, and bail may not apply.

FSM citizens who were convicted of a felony in any FSM Courts and served time should check before coming to the US because their names may be already on the list of inadmissible aliens.

NOTE: The FSM has an Extradition Agreement with the US and it is in force. If you commit a crime in the US, its territories and possession and move back to the FSM, the US can and may request for your extradition back to face trial for your offense.

Alcohol Consumption:

Attitudes in the US toward heavy drinking and public drunkenness are much more disapproving than in the FSM. Offenses committed while drunk such as fighting, destruction of property, malicious wounding, and sexual misconduct are not forgiven.

Driving under the influence of alcohol (DUI) is against the law in the US, its territories and possessions. The large numbers of fatalities due to DUI and public pressure groups such as M.A.D.D. (Mother’s Against Drunk Drivers) have made the penalties for drinking and driving very severe.

In the State of Texas for example, three convictions of Driving Under the Influence for a non-US Citizen, will lead to deportation from the US. Other US jurisdictions are studying this Pilot Project and may follow the Texas example.

If consumption of alcohol must be done, it should be done in a responsible manner.

Sexual Offenses:

Laws defining sex crimes are spelled out in Territorial, State and Federal jurisdictions and are rigidly enforced. Rape is classified as one of the most serious felony offenses.

Sex with a minor (usually 19 or under), *with or without consent*, is a very serious offense called “statutory rape” and when convicted, the average minimum jail sentence is 12 years.

This is only one of a number of situations in which FSM citizens may be charged with violating laws in the US, its territories and possessions that do not necessarily amount to serious offenses in Micronesia.

FSM citizens must remember that in all matters, the Micronesian custom and traditional methods of forgiveness are not accepted and not recognized by law enforcement authorities in the US.

Violence against Women:

In the US, its territories and possessions, violence, abuse, and/or harassment against another individual, especially wives and girlfriends are against the law. In some jurisdictions, the state will prosecute a claim even if the defendant has forgiven the offender.

Children:

Children (including your own) are strongly protected under the law in the US, its territories and possessions. If for any reason whatsoever, doctors, teachers, friends, or even strangers suspect abuse or neglect of a child in your care, the State has the authority to intervene on behalf of the child. Children can and will be removed from the custody of the parents for their safety while an investigation is conducted. People convicted of abusing children, including parents will be thrown in jail.

Traveling with Minors:

Please be advised that when traveling to or in the US, its territories and possessions, parents and/or legal guardians must accompany minor children. Anyone other than a parent or legal guardian accompanying a child runs the risk of being charged with kidnapping.

FSM families residing in the US, its territories and possessions who bring into their household, friends or relatives who are minors, should first obtain the necessary legal document to prove guardianship so as to be able to render any decisions concerning education, medical and other relevant issues. Simple letters written by natural parents of the minor are not considered "legal documentation" in the US jurisdictions.

Owning & operating a vehicle

Owning a vehicle means that you are the primary legal and registered owner of the car. As the owner, you are responsible for maintenance, insurance, understanding and following traffic laws and regulations, possession of a valid driver's license and responsible for the safety of your passengers.

You must always have your driver's license, vehicle registration, and proof of insurance in your possession when operating a motor vehicle. Many US jurisdictions do not recognize a Micronesian drivers' license.

Remember that driving in the US, its territories and possessions is a privilege and not a right. It can be taken away when abused and you can end up in jail. If you drive, don't drink and if you drink, don't drive.

Licenses to drive vehicles are under the authority of each U.S. State. Do not assume that a valid FSM driver's license will be recognized and accepted in the US. The acceptance of FSM drivers license by a car rental agency does not mean that the State recognizes the FSM driver's license.

Health Care and Death Overseas

The FSM National and State Governments have an Insurance Program for their employees and their families, and if you are enrolled under the plan and officially authorized referral abroad then the Insurance can pay for some of the covered medically related expenses.

The FSM Government is not responsible for health care costs associated with hospitalization and/or clinical visits by citizens who do not have insurance. Each citizen is responsible to ensure that he/she has a health insurance. In the US, it is recommended that those seeking employment inquire about health care and other related benefits through their employers or schools.

The FSM Embassy and Consulate Offices do assist in preparing the required paperwork for the repatriation of deceased FSM citizens, however, the FSM Government is not financially responsible for the repatriation of an FSM citizen who dies overseas. All costs associated with the funeral home preparation and shipment of the remains is the responsibility of the family.

Approximate costs involving deceased citizens are as follows:

Repatriation to the FSM: Services and preparation for paper work, embalming, casket, funeral services, and air transportation usually range around \$6,000 - \$7,000.

Burial in the US: Burial in the US involves the purchase of a burial plot in a cemetery. The costs also range in the thousands of dollars, depending on the location and related services.

Cremation: Cremation is the burning of the remains until only the ashes are left. Cremation costs vary, but should not run in excess of \$3,000. Remains are then easily and cheaply returned to the FSM.

ABSENTEE VOTING

Consistent with FSM laws and regulations, citizens may continue to ensure that their voice is heard in casting their votes while overseas. The embassy is notified by the State and National Commissioners of upcoming elections, and posts this information on its website; Addresses and phone numbers for the election commissioners are listed for reference. Due to the high mobility of FSM citizens in the US, the embassy is unable to guarantee effective notification of citizens prior to each election. Therefore, it is the responsibility of FSM citizens to contact their respective election commissioner concerning elections and to request for absentee ballots as well as for general information on the candidates and election procedures.

IDENTIFICATION & OTHER DOCUMENTS

Due to the recent terrorist attacks, you can expect that US Immigration and law enforcement officials will be much tougher and more demanding than you may have experienced in the past.

The embassy strongly urges that FSM citizens keep their passports, EAD's and any other important form of identification up-to-date. The embassy also suggests keeping a certified copy of birth certificate on hand in case of need for employment or education purposes. To avoid problems, please make sure that all-important documents are renewed prior to their expiration date. The embassy also strongly suggests that the passport, EAD, I-94, and social security card be kept secured and protected. Lost documents can be replaced at the expense of time, trouble and money and may result in the loss of privileges or benefits while being replaced.

FSM Offices:

FSM Department of Foreign Affairs
P.O. Box PS-123
Kolonia, Pohnpei FM 96941
Telephone (691) 320-2641
Fax (691) 320-2933
Email: foreignaffairs@mail.fm

FSM Embassy
1725 N Street, NW
Washington, DC 20036
Telephone (202) 223-4383
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FSM Mission to the UN
820 2nd Avenue, Suite 17A
New York, NY 10017
Telephone (212) 697-8370
Fax (212) 697-8295
Email: fsmun@fsmgov.org

FSM Consulate General
3049 Ualena Street, Suite 904
Honolulu, HI 96819
Telephone (808) 836-4775
Fax (808) 836-6896
Email: fsmcghnl@gte.net

FSM Consulate General
P.O. Box 10630
Tamuning, Guam 96911
Office located in the ITC Bldg.
Telephone (671) 646-9154
Fax (671) 646-6320
Email: fsmcongmg@kuentos.guam.net

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The FSM Embassy in Washington, DC welcomes comments and/or suggestions for inclusion in future revisions of this document. Please contact the embassy at the above-referenced address.