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Mr. Almond

MEMORANDUM

TO: Ambassador Williams

DATE: March 16, 1972

FROM: Herman Marcuse

SUBJECT: Conferring "National" Status on Micronesians.

A "national" is a person who is not a citizen, but who is not an alien either for the purposes of immigration and deportation. Gordon and Rosenfield, Immigration Law and Procedure. Secs. 2.3 c, 4.5 c. At present the only class of noncitizens who are "nationals" are persons who though not a citizen of the United States owe permanent allegiance to the United States. Section 101(22) of the Immigration and Nationality Act, 8 U.S.C. 1101(22).

There is, however, no reason why Congress cannot exempt other classes of noncitizens from the disabilities of alienage, e.g., for the reason that the proposed compact creates a close bond between the United States and Micronesia and that the Micronesians therefore should not be considered aliens, even if they are not citizens and do not owe permanent allegiance to the United States.

There are various ways for achieving this end. One would be to change the definition of the term "national" **416184**

so as to include citizens of Micronesia.*/ Another method ~~would be to provide that Micronesians shall not be considered to be immigrants or aliens within the meaning of the immigration and deportation provisions of the Immigration and Nationality Act.~~

The General Counsel of the Immigration and Naturalization Service agrees that Congress has the power to change the definition of the term "national" so as to include persons who do not owe permanent allegiance to the United States.

*/ Care should be taken to prevent this provision from becoming a way of evading our immigration laws if Micronesia should be overly liberal in naturalizing aliens. Hence, it may be necessary to provide that only persons born in Micronesia and those who have been citizens of Micronesia for a minimum period of time shall be nationals.