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Memorandum

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To: Director, Territorial Affairs  
Attn: Emmett M. Rice  
From: Assistant Solicitor, Territories  
Division of General Law

Subject: Citizenship - Northern Mariana Islands District

Prompted by our memorandum of May 12, 1976, on the above subject, you have raised additional problems and questions for explanation or clarification.

Until termination of the Trusteeship Agreement, present citizens of the Trust Territory of the Pacific Islands will remain citizens of Micronesia whether they reside in the Northern Mariana Islands District or in any of the other administrative districts of Micronesia. Upon termination of the Trusteeship Agreement, those persons who meet the requirements of Article III of the Covenant will become either citizens or nationals of the United States. See Section 1002 (a) of the Covenant. At that point in time, those people will cease to be citizens of the Trust Territory, and those people who do not acquire the status of U.S. citizenship or nationality under Article III, will be aliens in the Northern Marianas, except as is otherwise provided in Section 506 with regard to derivative status under the applicable provisions of the Immigration and Nationality Act therein cited.

In addition, upon termination of the Trusteeship Agreement the U.S. Congress will have the authority under Section 503 of the Covenant to make the provisions of the Immigration and Nationality Act applicable to the Northern Mariana Islands, and what the Congress will do is an unknown quantity at this time. I suspect, however, that its approach will be to prevent "back door citizenship" for classes of persons who do not qualify for U.S. citizenship or nationality in accordance with the terms of the Covenant.

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Thus, though as stated in our earlier memorandum, the Legislature of the Northern Marianas has the theoretical power to create "citizens" of the Northern Mariana Islands, these "citizens" could acquire no rights under Sections 301-303 and 506 unless they meet the requirements of those sections. Additionally, it should be noted that this type of "citizenship" would not confer any status in the rest of Micronesia any more than the present grant of a "citizenship" status by the Congress of Micronesia would bestow any status in the Northern Mariana Islands. In these instances I am assuming, of course, that the grant of "citizenship" is to aliens who are not presently citizens of the Trust Territory.

Moreover, it must be remembered that persons becoming "citizens" of the Northern Marianas, not otherwise qualified under Sections 301-303 and 506 of the Covenant, could very well, and probably will, become aliens pursuant and subject to whatever provisions of the Immigration and Nationality Act the U.S. Congress decides to make applicable pursuant to Section 503.

Under the circumstances, although the Secretary might on the one hand or the legislature of the Northern Marianas could on the other, create a "new class of citizenship" for the Northern Marianas, it would appear to be entirely inadvisable, because upon termination of the Trusteeship Agreement, these "citizens" will get only what status, if any, the U.S. Congress decides to give them, and they would very well become aliens under the Immigration and Nationality Act and even subject possibly to deportation.

I trust this answers your inquiry.



C. Brewster Chapman, Jr.

cc: DOTA  
Secy's files  
Territories Reading file  
Div Chron file (2)  
CBChapman:jlj:8/9/76

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