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NATIONAL CREDIT UNION ADMINISTRATION
Washington, D.C. 20456

December 27, 1988

Office of General Counsel

Gary Greenwald, Esq.
Reichelt, Nussbaum, Brown, Dukes & LaPlaca
P.O. Box 627
Greenbelt, MD 20770

Re: Citizenship Requirements of Federal Credit
Union Members (Your November 28, 1988, Letter)

Dear Mr. Greenwald:

You have asked what effect the lack of United States citizenship would have on a prospective member of a Federal credit union ("FCU"). As long as a person is in the field of membership of an FCU, the person may be considered for election into FCU membership by the FCU board of directors or appointed membership officers. There are no citizenship requirements.

Section 109 of the FCU Act (12 U.S.C. §1759) provides, in part:

Federal credit union membership shall consist of the incorporators and such other persons and incorporated and unincorporated organizations, to the extent permitted by rules and regulations prescribed by the Board, as may be elected to membership and as such shall each subscribe to at least one share of its stock and pay the initial installment thereon and a uniform entrance fee if required by the board of directors; except that Federal credit union membership shall be limited to groups having a common bond of occupation or association, or to groups within a well defined neighborhood, community, or rural district.

FOIA

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Citizenship Requirement for FCU
members

Section 113 of the FCU Act (12 U.S.C. §1761b) provides, in part:

Among other things, the board of directors shall (1) Act upon applications for membership or appoint membership officers

The NCUA Board has not, at this time, promulgated regulations concerning membership applications.

Specifically, you asked two questions: (1) Can a noncitizen be a member of a Federal credit union if the noncitizen is otherwise qualified to be a member? Yes, neither Section 109 nor Section 113 of the FCU Act imposes any citizenship requirements.

(2) To what extent, if any, can or must a Federal credit union consider the noncitizenship of a prospective member? An FCU board of directors is not obligated by the FCU Act or the NCUA's Rules and Regulations to consider the citizenship of prospective members. Certain common bonds may impose citizen requirements (e.g., an FCU group composed of the Daughters of the American Revolution would probably be limited to American citizens).

Sincerely,



HATTIE M. ULAN
Acting Assistant General Counsel

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