FinCEN's Advisory on Non-Work-Authorized Populations

In response to the May 2026 **[Executive Order 14406]** "Restoring Integrity to America's Financial System", on June 5, 2026 FinCEN, joined by NCUA, FDIC, and OCC, issued **[Advisory FIN-2026-A002]**.

What It Does

It's informational. FinCEN expressly says the indicators "do not convey or alter any independent regulatory obligations or supervisory expectations." But it sets the tone for examiners and hands them a vocabulary. It comes with 18 red flags built around five industries (agriculture, construction, domestic service, hospitality, staffing) and a familiar set of typologies: off-the-books payroll, shell companies acting as unregistered MSBs, structuring and micro-structuring, identity theft, and ITIN-based accounts. When you file a related SAR, use the key term "**FINANCIALINTEGRITY-2026-A002**" in Field 2 and the narrative.

Individual Taxpayer Identification Numbers (ITIN)

An ITIN is **not** a red flag on its own. ITINs facilitate tax compliance, and accepting them is a legitimate, CIP-compliant inclusion practice. The advisory says that an ITIN used in lieu of a Social Security Number or work authorization to open an account or get credit "may be identified as a risk factor requiring enhanced due diligence," assessed in the totality of circumstances, not in isolation. A long-standing member with an ITIN and ordinary activity is not the target.

What's Coming

The advisory is the opener. EO 14406 also set clocks running on changes that will matter more: strengthened customer due diligence rules (within 90 days), a customer identification program rulemaking that will take up foreign consular ID cards (within 180 days), a **CFPB "ability-to-repay" clarification** on deportation and loss-of-wages risk (just published), and credit-risk guidance from each regulator including the NCUA (within 60 days).

Two Things to Do This Week

- Update your SAR workflow to capture the "FINANCIALINTEGRITY-2026-A002" key term, and cross-reference the 18 red flags against what you already monitor.
- Inventory your ITIN accounts and lending, and make sure each decision is documented as individualized and risk-based. Don’t overcorrect: debanking legitimate members by overreaction is its own compliance and reputational risk.

The Bottom Line

The Advisory is a modest document with a small procedural lift, and FinCEN says it isn’t a new rule. The harder part is the tension it introduces between years of financial-inclusion practice and a supervisory posture that now treats some hallmarks of that practice as risk factors to assess. You don’t have to resolve it today, as the upcoming rulemakings will set out any major changes.