

MAR 09 2018

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## SENATE CONCURRENT RESOLUTION

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STRONGLY URGING THE UNITED STATES CONGRESS TO PASS LEGISLATION  
TO CLARIFY THE STATUS OF MIGRANTS UNDER THE COMPACTS OF  
FREE ASSOCIATION FOR PURPOSES OF THE REAL ID ACT OF 2005 TO  
PROMOTE FAIRNESS AND EQUALITY UNDER THE LAW.

1 WHEREAS, the Freely Associated States of the Republic of  
2 the Marshall Islands, Federated States of Micronesia, and  
3 Republic of Palau consist of a multitude of islands, languages,  
4 and cultures throughout the Micronesian regions of the Pacific  
5 Ocean; and  
6

7 WHEREAS, the Freely Associated States were formerly the  
8 Trust Territory of the Pacific Islands, administered by the  
9 United States of America from 1947 to 1986, and, now as  
10 sovereign nations, continue to place their trust in the United  
11 States through the Compacts of Free Association; and  
12

13 WHEREAS, the Compacts of Free Association between the  
14 Freely Associated States and the United States of America  
15 recognize the historic sacrifices and contributions made by the  
16 citizens of the Freely Associated States for the interests and  
17 benefit of the United States of America, including the use of  
18 their island atolls for 67 nuclear tests from 1946 to 1958,  
19 which subjected the Marshallese people to human radiation  
20 experiments without their knowledge or consent, as well as the  
21 United States military's occupation of the island atolls to  
22 ensure control of the Pacific; and  
23

24 WHEREAS, under the Compacts of Free Association, the United  
25 States of America continues to exercise exclusive military  
26 jurisdiction over the lands and waters of the Freely Associated  
27 States and continues to use the atolls as part of the United  
28 States National Missile Defense Program's long-range  
29 intercontinental ballistic missile defense system; and



1 WHEREAS, decades of administration by the United States  
2 have failed to establish economic independence within the Freely  
3 Associated States, contributing to a lack of adequate  
4 agricultural, educational, and health infrastructure necessary  
5 for a self-sufficient society; and  
6

7 WHEREAS, in addition to the aforementioned sacrifices, the  
8 sons and daughters of the Freely Associated States continue to  
9 lay down their lives in the interest of the United States,  
10 representing some of the highest levels of per-capita military  
11 personnel recruitment levels for the United States military,  
12 compared to any other jurisdiction; and  
13

14 WHEREAS, the people of the Freely Associated States have  
15 also contributed greatly to Hawaii's understanding of the common  
16 cultural heritage and pride of all Pacific Islanders, such as  
17 traditional navigation techniques that were kept alive by the  
18 late "Papa" Mau Piailug; and  
19

20 WHEREAS, since 1986, citizens of the Federated States of  
21 Micronesia and Republic of the Marshall Islands, and since 1994,  
22 citizens of the Republic of Palau have legally resided in Hawaii  
23 under the Compacts of Free Association with the United States of  
24 America; and  
25

26 WHEREAS, about 18,000 migrants under the Compacts of Free  
27 Association live in Hawaii, where they work, attend school,  
28 raise families, create businesses, and make other significant  
29 contributions; however, they face social and institutional  
30 discrimination and are regularly ignored by federal law, which  
31 exacerbates their systemic exclusion from fair and equal  
32 treatment; and  
33

34 WHEREAS, under the Compacts of Free Association, citizens  
35 from these nations may "establish residence as a nonimmigrant in  
36 the United States", and according to the United States  
37 Citizenship and Immigration Services, "they are granted an  
38 unlimited length of stay" for which they have no "end of stay"  
39 date listed in the legal documents that establish their legal  
40 residency; and



1 WHEREAS, migrants under the Compacts of Free Association  
2 typically enter the United States under I-94 forms with the  
3 notation "D/S" to indicate that their "duration of stay" is  
4 unlimited, and they are, according to the United States  
5 Citizenship and Immigration Services, "authorized to remain in  
6 the U.S. as long as [they] maintain a valid status"; and  
7

8 WHEREAS, unlike other recipients of the I-94 form, migrants  
9 under the Compacts of Free Association are not required to  
10 provide additional documentation to justify their legal presence  
11 because they have the right to an unlimited length of stay; and  
12

13 WHEREAS, migrants under the Compacts of Free Association  
14 abide by all standard requirements to obtain a driver's license  
15 or state identification card in Hawaii, including providing  
16 documentation for proof of identity and proof of residency; and  
17

18 WHEREAS, the REAL ID Act of 2005 fails to consider  
19 individuals' status under the Compacts of Free Association and  
20 incorrectly refers to the long-defunct term "Trust Territory of  
21 the Pacific Islands", and migrant status under the Compacts of  
22 Free Association does not readily fit into any of the listed  
23 categories of the REAL ID Act; and  
24

25 WHEREAS, because of this technical oversight in the REAL ID  
26 Act of 2005, migrants under the Compacts of Free Association are  
27 often wrongly subjected to an annual (one-year) driver's license  
28 or state identification card renewal requirement that is  
29 typically reserved for state residents who are unable to prove  
30 their lawful presence; and  
31

32 WHEREAS, the annual driver's license or state  
33 identification card renewal requirement is overly burdensome for  
34 thousands of valued and productive migrants under the Compacts  
35 of Free Association who legally reside in Hawaii and who rely on  
36 these forms of identification to obtain and maintain employment,  
37 education, housing, health care, and other essential resources;  
38 and  
39

40 WHEREAS, the annual driver's license or state  
41 identification card renewal requirement for thousands of Hawaii  
42 residents wastes already burdened state and county resources



1 during a time when motor vehicle licensing and permitting  
2 agencies report triple the number of driver's license renewals  
3 every month and renewal appointments that can take as long as  
4 one hour to complete; and

5  
6 WHEREAS, the United States Citizenship and Immigration  
7 Services has the authority and capability to clarify status  
8 under the Compacts of Free Association through the Systematic  
9 Alien Verification for Entitlements system, which is the  
10 mechanism used to determine legal presence for purposes of the  
11 REAL ID Act of 2005; and

12  
13 WHEREAS, the United States Citizenship and Immigration  
14 Services has clarified other federal procedures to include  
15 status under the Compacts of Free Association when such status  
16 has been overlooked, including the recently updated guidelines  
17 for I-94 forms published by the agency that defines migrants  
18 under the Compacts of Free Association as "alien[s] authorized  
19 to work" and authorizes a "D/S" indicator in lieu of an end-of-  
20 stay date; now, therefore,

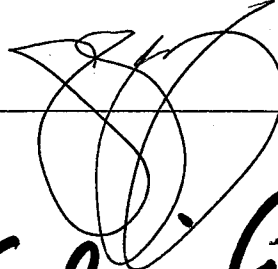
21  
22 BE IT RESOLVED by the Senate of the Twenty-ninth  
23 Legislature of the State of Hawaii, Regular Session of 2018, the  
24 House of Representatives concurring, that the United States  
25 Congress is strongly urged to pass legislation to clarify the  
26 status of migrants under the Compacts of Free Association for  
27 purposes of the REAL ID Act of 2005 to promote fairness and  
28 equality under the law; and

29  
30 BE IT FURTHER RESOLVED that certified copies of this  
31 Concurrent Resolution be transmitted to the President of the  
32 United States, President Pro Tempore of the United States  
33 Senate, Majority and Minority Leaders of the United States  
34 Senate, Speaker of the United State House of Representatives,  
35 Majority and Minority Leaders of the United States House of  
36 Representatives, each member of Hawaii's Congressional  
37 delegation, United States Secretary of the Interior, United  
38 States Assistant Secretary for Insular Areas, Director of the  
39 United States Citizenship and Immigration Services, Hawaii Field  
40 Office Director of the United States Citizenship and Immigration  
41 Services, Governor of the State of Hawaii, Attorney General of  
42 the State of Hawaii, Director of Transportation, Deputy Director



1 of Highways of the Department of Transportation, mayor of each  
2 county, and director of each county department of motor  
3 vehicles.  
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OFFERED BY: \_\_\_\_\_



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to

Glenn Thiel



Mike Hubbard



Silvine

