

MAR 09 2018

SENATE RESOLUTION

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



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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
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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
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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
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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,
24 that the United States Congress is strongly urged to pass
25 legislation to clarify the status of migrants under the Compacts
26 of Free Association for purposes of the REAL ID Act of 2005 to
27 promote fairness and equality under the law; and

28
29 BE IT FURTHER RESOLVED that certified copies of this
30 Resolution be transmitted to the President of the United States,
31 President Pro Tempore of the United States Senate, Majority and
32 Minority Leaders of the United States Senate, Speaker of the
33 United State House of Representatives, Majority and Minority
34 Leaders of the United States House of Representatives, each
35 member of Hawaii's Congressional delegation, United States
36 Secretary of the Interior, United States Assistant Secretary for
37 Insular Areas, Director of the United States Citizenship and
38 Immigration Services, Hawaii Field Office Director of the United
39 States Citizenship and Immigration Services, Governor of the
40 State of Hawaii, Attorney General of the State of Hawaii,
41 Director of Transportation, Deputy Director of Highways of the



1 Department of Transportation, mayor of each county, and director
2 of each county department of motor vehicles.
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