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# SENATE CONCURRENT RESOLUTION

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 AND URGING THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO DELINEATE COMPACT OF FREE ASSOCIATION STATUS AS A SPECIFIC CATEGORY IN THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS SYSTEM.

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 sixty-seven nuclear tests from 1946 to  
19 1958, 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



1 States and continues to use the atolls as part of the United  
2 States National Missile Defense Program's long-range  
3 intercontinental ballistic missile defense system; and  
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5 WHEREAS, decades of administration by the United States  
6 have failed to establish economic independence within the Freely  
7 Associated States, contributing to a lack of adequate  
8 agricultural, educational, and health infrastructure necessary  
9 for a self-sufficient society; and  
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11 WHEREAS, in addition to the aforementioned sacrifices, the  
12 sons and daughters of the Freely Associated States continue to  
13 lay down their lives in the interest of the United States,  
14 representing some of the highest levels of per-capita military  
15 personnel recruitment levels for the United States military,  
16 compared to any other jurisdiction; and  
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18 WHEREAS, the people of the Freely Associated States have  
19 also contributed greatly to Hawaii's understanding of the common  
20 cultural heritage and pride of all Pacific Islanders, such as  
21 traditional navigation techniques that were kept alive by the  
22 late "Papa" Mau Piailug; and  
23

24 WHEREAS, since 1986, citizens of the Federated States of  
25 Micronesia and Republic of the Marshall Islands, and since 1994,  
26 citizens of the Republic of Palau have legally resided in Hawaii  
27 under the Compacts of Free Association with the United States of  
28 America; and  
29

30 WHEREAS, about eighteen thousand migrants under the  
31 Compacts of Free Association live in Hawaii, where they work,  
32 attend school, raise families, create businesses, and make other  
33 significant contributions; however, they face social and  
34 institutional discrimination and are regularly ignored by  
35 federal law, which exacerbates their systemic exclusion from  
36 fair and equal treatment; and  
37

38 WHEREAS, under the Compacts of Free Association, citizens  
39 from these nations may "establish residence as a nonimmigrant in  
40 the United States" and according to the United States  
41 Citizenship and Immigration Services, "they are granted an  
42 unlimited length of stay" for which they have no "end of stay"



1 date listed in the legal documents that establish their legal  
2 residency; and  
3

4 WHEREAS, migrants under the Compacts of Free Association  
5 typically enter the United States under I-94 forms with the  
6 notation "D/S" to indicate that their "duration of stay" is  
7 unlimited, and they are, according to the United States  
8 Citizenship and Immigration Services, "authorized to remain in  
9 the U.S. as long as [they] maintain a valid status"; and  
10

11 WHEREAS, unlike other recipients of the I-94 form, migrants  
12 under the Compacts of Free Association are not required to  
13 provide additional documentation to justify their legal presence  
14 because they have the right to an unlimited length of stay; and  
15

16 WHEREAS, migrants under the Compacts of Free Association  
17 abide by all standard requirements to obtain a driver's license  
18 or state identification card in Hawaii, including providing  
19 documentation for proof of identity and proof of residency; and  
20

21 WHEREAS, the REAL ID Act of 2005, Pub.L. 109-13, 119 Stat.  
22 302 (REAL ID Act), fails to consider individuals' status under  
23 the Compacts of Free Association and incorrectly refers to the  
24 long-defunct term "Trust Territory of the Pacific Islands", and  
25 migrant status under the Compacts of Free Association does not  
26 readily fit into any of the listed categories of the REAL ID  
27 Act; and  
28

29 WHEREAS, because of this technical oversight in the REAL ID  
30 Act, migrants under the Compacts of Free Association are often  
31 wrongly subjected to an annual driver's license or state  
32 identification card renewal requirement that is typically  
33 reserved for state residents who are unable to prove their  
34 lawful presence; and  
35

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



1  
2 WHEREAS, the annual driver's license or state  
3 identification card renewal requirement for thousands of Hawaii  
4 residents wastes already burdened state and county resources  
5 during a time when motor vehicle licensing and permitting  
6 agencies report triple the number of driver's license renewals  
7 every month and renewal appointments that can take as long as  
8 one hour to complete; and  
9

10 WHEREAS, the United States Citizenship and Immigration  
11 Services has the authority and capability to clarify status  
12 under the Compacts of Free Association through the Systematic  
13 Alien Verification for Entitlements system, which is the  
14 mechanism used to determine legal presence for purposes of the  
15 REAL ID Act; and  
16

17 WHEREAS, the United States Citizenship and Immigration  
18 Services has clarified other federal procedures to include  
19 status under the Compacts of Free Association when such status  
20 has been overlooked, including the recently updated guidelines  
21 for I-94 forms published by the agency that defines migrants  
22 under the Compacts of Free Association as "alien[s] authorized  
23 to work" and authorizes a "D/S" indicator in lieu of an end-of-  
24 stay date; now, therefore,  
25

26 BE IT RESOLVED by the Senate of the Twenty-ninth  
27 Legislature of the State of Hawaii, Regular Session of 2018, the  
28 House of Representatives concurring, that the United States  
29 Congress is urged to pass legislation to clarify the status of  
30 migrants under the Compacts of Free Association for purposes of  
31 the REAL ID Act of 2005, Pub.L. 109-13, 119 Stat. 302, to  
32 promote fairness and equality under the law; and  
33

34 BE IT FURTHER RESOLVED that the United States Citizenship  
35 and Immigration Services is urged to delineate Compact of Free  
36 Association status as a specific category in the Systematic  
37 Alien Verification for Entitlements system and to clarify that  
38 the "unlimited length of stay" of persons with that status is  
39 sufficient for the same renewal period as legal permanent  
40 residents and United States citizens for purposes of driver's  
41 license and identification renewals, and other entitlements and



1 benefits that may otherwise require an "end date of stay" entry;  
2 and  
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4 BE IT FURTHER RESOLVED that certified copies of this  
5 Concurrent Resolution be transmitted to the President of the  
6 United States, President Pro Tempore of the United States  
7 Senate, Majority and Minority Leaders of the United States  
8 Senate, Speaker of the United State House of Representatives,  
9 Majority and Minority Leaders of the United States House of  
10 Representatives, each member of Hawaii's congressional  
11 delegation, United States Secretary of the Interior, United  
12 States Assistant Secretary for Insular Areas, Director of the  
13 United States Citizenship and Immigration Services, Hawaii Field  
14 Office Director of the United States Citizenship and Immigration  
15 Services, Governor of the State of Hawaii, Attorney General of  
16 the State of Hawaii, Director of Transportation, Deputy Director  
17 of Highways of the Department of Transportation, mayor of each  
18 county, and director of each county department of motor  
19 vehicles.

