
SENATE 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
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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
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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
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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



1 States National Missile Defense Program's long-range
2 intercontinental ballistic missile defense system; and

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

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

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

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

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

36
37 WHEREAS, under the Compacts of Free Association, citizens
38 from these nations may "establish residence as a nonimmigrant in
39 the United States" and according to the United States
40 Citizenship and Immigration Services, "they are granted an
41 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
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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
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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
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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
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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
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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
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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

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 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,

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

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 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 Resolution be transmitted to the President of the United States,
6 President Pro Tempore of the United States Senate, Majority and
7 Minority Leaders of the United States Senate, Speaker of the
8 United State House of Representatives, Majority and Minority
9 Leaders of the United States House of Representatives, each
10 member of Hawaii's congressional delegation, United States
11 Secretary of the Interior, United States Assistant Secretary for
12 Insular Areas, Director of the United States Citizenship and
13 Immigration Services, Hawaii Field Office Director of the United
14 States Citizenship and Immigration Services, Governor of the
15 State of Hawaii, Attorney General of the State of Hawaii,
16 Director of Transportation, Deputy Director of Highways of the
17 Department of Transportation, mayor of each county, and director
18 of each county department of motor vehicles.

