



HAWAI‘I CIVIL RIGHTS COMMISSION

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March 27, 2018
Rm. 016, 9:30 a.m.

To: The Honorable Brian T. Taniguchi, Chair
Members of the Senate Committee on Judiciary

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.C.R. No. 142 / S.R. No. 92

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC supports S.C.R. No. 142 / S.R. No. 92, with a suggested amendment.

S.C.R. No. 142 / S.R. No. 92 urges the United States Congress to pass legislation to correct and clarify the status of migrants under the Compact of Free Association (COFA) for the purposes of the Real ID Act of 2005. Enactment of such clarifying legislation would relieve the burden on Hawai‘i residents who are citizens COFA nations, who have an unlimited duration of stay in the United States, from the requirement that they be issued only a one-year driver’s license that has to be renewed annually.

Under the Compacts of Free Association, we have a special relationship with COFA nations and their citizens, one that developed from a historical trust relationship. Citizens of COFA nations may enter into, work, and establish residence in the United States, but do not have a pathway to U.S. citizenship. These COFA citizens who enter and reside in Hawai‘i under a Compact of Free Association do not have limited authorized stays in the United States. They should be able to get driver’s licenses that expire on their first birthday occurring not less than

eight years after the date of issuance, not a shorter duration. This would be fair, helping these COFA Hawai'i residents avoid unnecessary cost and inconvenience.

The HCRC suggests that S.C.R. No. 142 / S.R. No. 92 be amended to add an additional resolution clause, urging the U.S. Citizenship and Immigration Services (USCIS) to consider and implement changes in the Systemic Alien Verification for Entitlements (SAVE) system, to clarify the status of residents who are COFA citizens, to confirm legal presence and unlimited duration of stay, to the extent that they can exercise their authority and capability to do so under current law.

HAWAII INTERPRETER ACTION NETWORK

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To: Sen. Brian T. Taniguchi, Chair; Sen. Karl Rhoads, Vice-Chair;
Members, Senate Committee on Judiciary

Date: March 27, 9:30 a.m., Room 016

Re: **SCR 148, SR 92, SUPPORT**

Chair Taniguchi, Vice-Chair Rhoads, and Members of this Committee, thank you for hearing these resolutions. Respectfully, I ask all of you to support these resolutions. The testimony I am submitting on them is identical.

Hawaii Interpreter Action Network, founded in 2002, is a professional association for interpreters and translators.

As healthcare, court, and community interpreters, we are very aware of the presence of the peoples of the Compacts of Free Association in Hawaii. As it happens, I live on a street where one of the blocks is basically a Micronesian neighborhood. I often see women dressed in their beautiful and distinctive skirts, going by with their children.

The situation of these peoples, as I'm sure you know, is that a family member falls ill and must travel here for treatment. Some relatives travel with the person who is ill. Other family members travel over later to help and support the person who is ill, and to share in care giving.

This is a reason for travel that is a bit unusual in the context of American history. Many of the other groups that have traveled or moved here did it for religious, political, or economic reasons. Ill health is a new reason.

Illness lands these folks in the hospitals and clinics of Hawaii, where they often need healthcare interpreters. The combination of some being Limited-English Proficient and the culture shock of being here, also lands some of them in our court system. They also need interpreters in education, social service, and other government settings.

So, there are Micronesian language interpreters—not enough for our needs here, but still quite a few. We enjoy, value, and appreciate these colleagues.

Their schedules are very full. Many of them must take time off from work, not just hours, but days, weeks, and months sometimes, to care for a relative who is sick. Sometimes they fall ill themselves. They need to attend funerals for family and friends with a frequency that is truly

appalling. How they manage to withstand these losses and stresses and still keep on going is amazing.

It is sad to learn that the REAL ID Act of 2005 has not taken the people of the Compacts of Free Association into account.

The situation with the REAL ID Act of 2005 may be a fairly simple thing to remedy. That is considerably unlike the multiple illnesses and other stresses that afflict these populations. Anything we can legally and fairly do to reduce the stress on these residents should be done.

I have reviewed the testimony on HCR 104 and HR 90. HIAN submitted testimony in support of both of these resolutions. The Micronesian Consulate General, COFACAN, HealthyPacific.Net, the Hawaii Civil Rights Commission, and several individuals suggested some additional or supplemental remedies. HIAN agrees with them. We ask you to give careful consideration to those remedies.

Eventually, the children who are born in the US will remember how their parents, relatives, and network were treated. In Hawaii, at least, we know how that can play out. Let us do our best for the most recent group to join us here.

In the spirit of *aloha*, and for the sake of justice, please pass SCR 148 and SR 92. Thank you.

SCR-148

Submitted on: 3/26/2018 9:24:39 AM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dina Shek	Individual	Support	No

Comments:

I strongly support SCR 148 / SR92 with a suggested amendment. This important resolution seeks to remove unnecessarily discriminatory barriers to drivers licenses and state ID procedures faced by Hawai'i residents lawfully present under the Compacts of Free Association (COFA).

I respectfully urge the Committee to PASS this measure, and insert additional clause language as follows:

BE IT RESOLVED by the House of Representatives of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2018, the Senate concurring, that the United States Citizenship and Immigration Services is strongly urged to delineate COFA status as a specific category in the SAVE system and to clarify that their "unlimited length of stay" is sufficient for the same renewal period as legal permanent residents and U.S. citizens for purposes of driver's license and identification renewals, and other entitlements and benefits that may otherwise require an "end date of stay" entry.

Thank you for your consideration.

SCR-148

Submitted on: 3/26/2018 2:08:57 PM

Testimony for JDC on 3/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Taylor Brack	Individual	Support	No

Comments:

I SUPPORT WITH AMENDMENTS HCR104/HR90, which seek to remove unnecessarily discriminatory barriers to drivers licenses faced by Hawai'i residents lawfully present under the Compacts of Free Association (COFA).

As these resolutions recognize, Pacific Islanders legally present under COFA have contributed to our communities, work force, and tax base for multiple decades now, and are authorized to live and work in the U.S. for an indefinite period of time. However, state driver's licensing laws and an interpretation of the REAL ID Act require our COFA residents to renew their driver's licenses every single year, unlike "lawful permanent residents" and others similarly authorized to reside here for an indefinite period of time. This has not only caused significant undue hardship to our COFA community members, but represents yet another manifestation of the systemic and at times explicitly invidious racism they face on a daily basis here in our islands. Notably, other states, including Oregon, have already recognized and taken action to address this wrongfully disparate treatment of their long-time residents and community members. In addition, in implementing federal requirements, the United States Citizenship and Immigration Services (USCIS) has been able to administratively clarify COFA status with respect to other federal laws, including through recent updated guidelines for I-9 forms that now specifically recognize COFA citizens as authorized to work for "duration of status," i.e. an indefinite period of time. USCIS appears to have the authority to adjust its Systematic Alien Verification System for Entitlements (SAVE), used to determine COFA and other noncitizens' eligibility for driver's licenses and other programs, to likewise recognize that COFA residents should not be required to renew their driver's licenses every single year.

Accordingly, I respectfully urge the Committee to **PASS** this measure, **and insert an additional BE IT RESOLVED clause to read as follows:**

"BE IT RESOLVED by the House of Representatives of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2018, the Senate concurring, that the United States Citizenship and Immigration Services is strongly urged to delineate COFA status as a specific category in the SAVE system and to clarify that their "unlimited length of stay" is sufficient for the

same renewal period as legal permanent residents and U.S. citizens for purposes of driver's license and identification renewals, and other entitlements and benefits that may otherwise require an "end date of stay" entry;"

Thank you for the opportunity to testify on this measure.