



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KIWILO O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Thursday, March 23, 2023 at 2:00 p.m.
Conference Room 325 & Videoconference

To: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.C.R. No. 74/ H.R. No. 75

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 (on the basis of disability). 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.

HCRC supports H.C.R. No. 74 and H.R. No. 75 which encourage the United States Congress to facilitate a path to citizenship for immigrants from parties to the Compacts of Free Association.

Compact of Free Association nations include the Federated States of Micronesia (Yap, Pohnpei, Chuuk, Kosrae) (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau. After WWII, these COFA nations were part of the Trust Territory of the Pacific Islands, with the Micronesian Trust region under U.S. trusteeship, with trust responsibility for economic development and providing the infrastructure for self-reliance. As trustee, the U.S. did little to build health and educational infrastructure in the region, instead creating increased economic dependence and degrading the environment. From 1946-1958, the U.S. conducted 67 nuclear tests in the Marshall Islands, with above-ground testing on Bikini and Enewetak islands, including detonation of the largest bomb (codenamed “Bravo”) ever tested by the U.S., with a magnitude of over 1,000 times of the Hiroshima bombing.

The U.S. has a significant historical and continuing military interest and presence in the region. In the 1980s the FSM and RMI entered into compacts of free association with the U.S., followed by Palau in the 1990s. Under these bilateral treaties, the U.S. is allowed exclusive rights to operate armed forces and negotiate for bases in the COFA nations, to the exclusion of other foreign powers. Citizens of the COFA nations can travel freely to live and work in the U.S., and are eligible for some, but not all, benefits that U.S. citizens can receive.

As “non-qualified” aliens, COFA migrants are ineligible for Medicaid and other federal welfare programs, and unlike other legal immigrants, are not eligible for benefits even after residing in the U.S. for five years. Of course, children born in the U.S. are U.S. citizens.

Driven by poor health conditions (including some due to the impact of nuclear testing and contamination) and insufficient health care, displacement due to nuclear testing and contamination, and weak economies in their homelands, the number of COFA migrants in Hawai‘i has dramatically increased over the past decade.

However, citizens of COFA nations have a unique status as nonimmigrants who may live and work in the U.S. indefinitely without a visa. They may be deported. COFA nations are different from U.S. territories such as Guam, the Northern Mariana Islands, the U.S. Virgin Islands or Puerto Rico, whose citizens are U.S. citizens. COFA resident status also differs from that of American Samoa, whose citizens are U.S. nationals and may apply for U.S. citizenship.

There is no path to citizenship for citizens of COFA nations, despite U.S. involvement since WWII. HCRC supports passage of H.C.R. No. 74 and H.R. No. 75.