

The Foreign Born Population on Guam: 1990

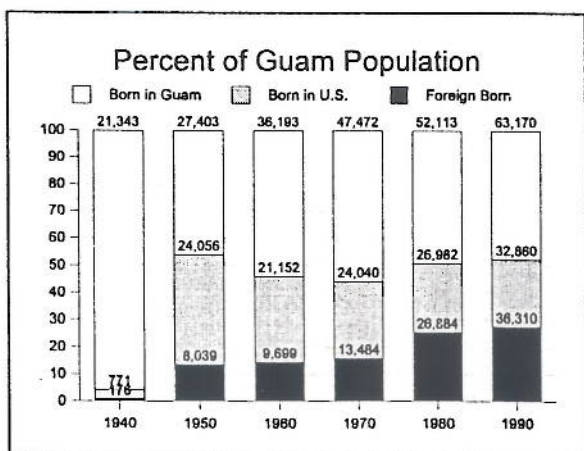
Population Bulletin 1
Government of Guam
February 1998

Planning Information Program
Bureau of Planning

Number and Percent Foreign-Born

During this century, the most dramatic change in Guam's population structure occurred during the 1940s, as a result of World War II. Prior to World War II, 95 percent of Guam's population was born here; fewer than 1,000 persons were born elsewhere. The War effort resulted in as many as 100,000 U.S. armed forces personnel and civilian civil service workers being assigned to Guam. Most U.S. military personnel left the island at the War's end. Nonetheless, Guam's population structure was forever altered by a continuing large military presence and the requirement of that presence for skilled labor. The proportion of persons born outside Guam rose from 5 percent in 1940 to 55 percent in 1950.

Those born outside Guam are comprised of the foreign born and persons born in the United States. The number of U.S. born rose from 771 persons in 1940 (3.5 percent of the total) to 32,860 persons in 1990 (24.8 percent). During the 1940 to 1990 period, the number of foreign born expanded from 170 persons (less than 1 percent) to 36,310 persons (27.4 percent).



Country of Origin

In 1990, 87.2 percent of all foreign-born persons living here were born in Asia, 65.5 percent of

the foreign born were born in the Philippines and nearly 10 percent were born in Korea. Another 9.1 percent of the foreign born were born in one of the islands of Micronesia.

A notable shift in immigration patterns occurred after 1985, when exclusions to immigration law facilitated the ability of persons born in the Federated States of Micronesia (FSM) to enter the United States. Foreign born persons from the FSM were less than one percent of the foreign born who entered Guam prior to 1985 and were 11 percent of the foreign born who entered Guam in 1989 and 1990.

Country of Birth	Number	Percent
Total	36,310	100.0
Asia	31,670	87.2
Philippines	23,770	65.5
Korea	3,570	9.8
Japan	2,320	6.4
China	1,100	3.0
Taiwan	380	1.0
Vietnam	210	0.6
Thailand	180	0.5
Hong Kong	140	0.4
Micronesia	3,320	9.1
FSM	2,200	6.1
Palau	1,120	3.1
Europe	330	0.9
Germany	270	0.7
England	60	0.2
Elsewhere	990	2.7

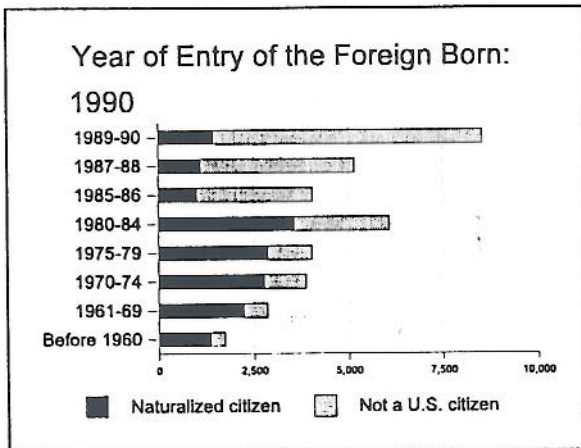
Year of Entry and Citizenship

Nearly one-half of the foreign born came to Guam between 1985 and 1990 (23.5 percent in 1989 and 1990, and 25.4 percent between 1985 and 1988). Another 38.5 percent entered the previous 15 years. The remaining 12.6 percent have been here more than 20 years.

Foreign born persons over the age of 18 can

become "naturalized citizens" of the United States after they have lived in the U.S. for a minimum of 5 years and have passed a citizenship exam. Spouses of U.S. citizens (and certain others) can become naturalized after 3 years and children who immigrate generally become citizens when their parents are naturalized.

islanders, Guam's newest immigrant group, have the lowest naturalization rate (3.6 percent for Chuukese, and 2 percent for Pohnpeians). Though recency of arrival may be a factor in the low naturalization rate, persons from Micronesia are permitted by U.S. law to remain in the United States indefinitely without an immigrant visa; it is therefore anticipated that few persons from Micronesia will naturalize regardless of length of stay in the United States.

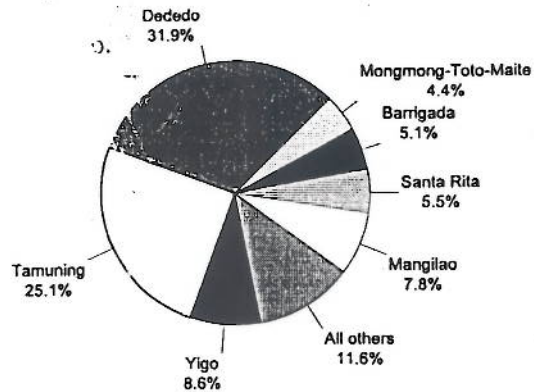


Village of Residence

The foreign born population is not distributed evenly throughout the island. The northern villages of Tamuning, Dededo, and Yigo contain nearly two-thirds of the foreign born population. The highest concentration of the foreign born live in Guam's largest village, Dededo, which contains 31.9 percent of the foreign born.

About 44.9 percent of the foreign born living on Guam are naturalized citizens. The rate of naturalization increases with the length of residence. While only 18.5 percent of those who entered during the prior 5 years are naturalized citizens, the rate increases to 45.0 percent for those who came between 1980 and 1985, to 71.3 percent for those who came during the 1970s, and to 78.6 percent for those who entered before 1970.

Village of Residence of the Foreign Born: 1990



The citizenship rate for the most recent arrivals (16.9 percent) is low for several reasons. Some of these people are temporary residents such as college students and persons on temporary business or work visas who will return to their home country. Others have not been residents long enough to be eligible for naturalization or may have no intention of becoming U.S. citizens.

Age

Foreign born persons are older on average, with a median age of 36.5 years, compared to 17.6 years for persons born on Guam and 24.3 years for persons born in the United States. Both the foreign born population who are naturalized citizens and those who are not naturalized are older than the native born - 40.4 years for naturalized citizens and 33.6 years for non-citizens. The foreign born who have lived on

Foreign born Filipinos have higher rates of naturalization (56.8 percent), while Micronesian

Selected Characteristics	Native U.S. Citizen			Foreign Born Population							
	Total Population	Born In Guam	Born in U.S.	Citizenship			Year of Entry				
				Total	Natural-ized Citizen	Not a U.S. Citizen	Before 1970	1970 to 1979	1980 to 1984	1985 to 1988	1989 to 1990
Age											
Total, all ages	132,340	63,170	32,860	36,310	16,320	19,990	4,580	7,900	6,080	9,210	8,540
Under 5 years	14,070	10,530	2,970	570	90	480	0	0	0	190	580
5 to 14 years	25,100	17,030	5,690	2,380	690	1,690	0	150	460	1,100	670
15 to 19 years	12,490	7,370	2,690	2,430	1,040	1,390	0	540	700	700	490
20 to 24 years	14,120	4,980	5,830	3,310	1,340	1,970	120	530	750	1,150	760
25 to 29 years	12,860	4,110	4,590	4,160	1,510	2,650	190	600	810	1,280	1,280
30 to 34 years	11,670	3,910	3,680	4,080	1,580	2,500	130	570	650	1,390	1,340
35 to 44 years	18,930	6,540	4,540	7,850	3,690	4,160	800	2,360	910	1,710	2,070
45 to 64 years	17,970	6,520	2,320	9,130	5,050	4,080	2,440	2,620	1,420	1,320	1,330
65 years or more	5,130	2,180	550	2,400	1,320	1,070	900	530	380	370	220
Median age (years)	25.1	17.6	24.3	36.5	40.4	33.6	55.4	41.8	32.4	31	32.6
Sex											
Male	71,270	31,720	19,920	19,630	19,630	11,080	2,900	3,950	2,850	4,600	5,330
Female	61,070	31,450	12,940	16,680	7,770	8,910	1,680	3,950	3,230	4,610	3,210
Race/Ethnicity											
White	19,180	1,120	17,730	330	160	170	30	70	10	120	100
Black	3,350	130	3,190	30	10	20	0	0	0	10	20
Chamorro	57,700	51,910	5,440	350	190	160	100	60	90	50	50
Asian	42,910	8,590	3,220	31,100	14,960	16,140	4,080	7,230	5,440	7,590	6,760
Chinese	1,620	110	80	1,430	420	1,010	20	260	180	240	730
Japanese	2,590	200	240	2,150	350	1,800	120	580	190	610	650
Korean	3,900	360	50	3,490	660	2,830	30	500	510	890	1,560
Filipino	30,520	6,670	1,240	22,610	12,850	9,760	3,830	5,490	4,260	5,580	3,450
Palauan	1,640	540	100	1,000	130	870	190	230	160	250	170
Chuukese	1,390	160	120	1,110	40	1,070	0	40	70	500	500
Pohnpeian	530	10	30	490	10	480	0	0	30	150	310
Educational Attainment											
Total 25 years and over	66,560	23,260	15,680	27,620	13,160	14,460	4,460	6,680	4,170	6,070	6,240
Not a high school graduate	17,500	8,240	1,290	7,970	2,830	5,140	1,470	1,750	1,080	1,640	2,030
High school graduate	22,090	9,380	4,830	7,880	3,760	4,120	1,230	2,030	1,140	1,670	1,810
Some college	15,050	3,560	5,650	5,840	3,020	2,820	1,010	1,130	1,020	1,360	1,320
Bachelor's degree	9,180	1,570	2,480	5,130	3,040	2,090	660	1,500	810	1,220	940
Graduate or professional degree	2,740	510	1,430	800	510	290	90	270	120	180	140
Labor Force Status											
Civilian 16 years and over	79,340	33,740	13,550	32,050	14,780	17,270	4,530	7,600	5,400	7,540	6,980
In civilian labor force	53,840	21,330	9,440	23,070	11,020	12,050	3,190	5,620	3,680	5,450	5,130
Employed	51,460	20,140	9,030	22,290	10,740	11,550	3,130	5,500	3,580	5,200	4,880
Unemployed	2,380	1,190	410	780	280	500	60	120	100	250	250
Not in the labor force	25,500	12,410	4,110	8,980	3,760	5,220	1,340	1,980	1,720	2,090	1,850
Income in 1989											
Total 16 years and over	91,050	34,240	23,850	32,960	15,360	17,600	4,580	7,690	5,460	7,830	7,400
Without income	17,760	8,070	2,420	7,270	2,240	5,030	470	1,400	1,390	1,760	2,250
With income	73,290	26,170	21,430	25,690	13,120	12,570	4,110	6,290	4,070	6,070	5,150
\$1 to \$9,999	23,980	9,010	5,840	9,130	3,740	5,390	1,040	1,770	1,520	2,480	2,320
\$10,000 to \$24,999	33,710	11,410	10,800	11,500	6,020	5,480	1,770	2,830	1,910	2,920	2,070
\$25,000 to \$34,999	8,130	3,320	2,070	2,740	1,790	950	680	910	330	390	430
\$35,000 to \$49,999	4,580	1,610	1,590	1,380	930	450	410	440	170	150	210
\$50,000 or more	2,890	820	1,130	940	640	300	210	340	140	130	120
Median Income	\$14,102	\$14,057	\$14,623	\$13,589	\$15,333	\$12,008	\$17,583	\$15,519	\$12,750	\$11,685	\$12,068
Poverty Status											
In poverty	19,930	11,710	2,690	5,530	168	3,850	440	840	820	1,310	2,120
Not in poverty	105,720	50,890	25,050	29,780	1,443	15,350	4,120	6,990	5,200	7,670	5,800
Home Ownership											
Households	31,500	11,110	9,700	10,690	6,310	4,380	2,680	3,000	1,630	2,010	1,370
Owner occupied	14,360	7,280	2,050	5,030	3,910	1,120	2,120	1,850	650	280	130
Renter occupied	17,140	3,830	7,650	5,660	2,400	3,260	560	1,150	980	1,730	1,240

Selected Characteristics	Native U.S. Citizen			Foreign Born Population								
	Total Population	Born In Guam	Born in U.S.	Citizenship			Year of Entry					
				Total	Naturalized Citizen	Not a U.S. Citizen	Before 1970	1970 to 1979	1980 to 1984	1985 to 1988	1989 to 1990	
Age												
Total, all ages	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Under 5 years	10.6	16.7	9.0	1.6	0.6	2.4	0.0	0.0	0.0	2.1	4.5	7.8
5 to 14 years	19.0	27.0	17.3	6.6	4.2	5.5	0.0	1.9	7.6	11.9	7.6	5.7
15 to 19 years	9.4	11.7	8.2	6.7	6.4	7.0	0.0	6.8	11.5	7.6	8.9	15.0
20 to 24 years	10.7	7.9	17.7	9.1	8.2	9.9	2.6	6.7	12.3	12.5	15.7	24.2
25 to 29 years	9.7	6.5	14.0	11.5	9.3	13.3	4.1	7.6	13.3	13.9	15.6	2.6
30 to 34 years	8.8	6.2	11.2	11.2	9.7	12.5	2.8	7.2	10.7	15.1	15.7	15.0
35 to 44 years	14.3	10.4	13.8	21.6	22.6	20.8	17.5	29.9	15.0	18.6	24.2	15.6
45 to 64 years	13.6	10.3	7.1	25.1	30.9	20.4	53.3	33.2	23.4	14.3	15.6	2.6
65 years or more	3.9	3.5	1.7	6.6	8.2	5.4	19.7	6.7	6.3	4.0	2.6	15.0
Sex												
Total	53.9	50.2	60.6	54.1	52.4	55.4	63.3	50.0	46.9	49.9	62.4	37.6
Male	46.1	49.8	39.4	45.9	47.6	44.6	36.7	50.0	53.1	50.1	37.6	62.4
Female												
Race/Ethnicity												
Total	14.5	1.8	54.0	0.9	1.0	0.9	0.7	0.9	0.2	1.3	1.2	9.2
White	2.5	0.2	9.7	0.1	0.1	0.1	0.0	0.0	0.0	0.1	0.6	0.6
Black	43.6	82.2	16.6	1.0	1.2	0.8	2.2	0.8	1.5	0.5	0.6	79.2
Chamorro	32.4	13.6	9.8	85.7	91.7	80.7	89.1	91.5	89.5	82.4	8.5	7.6
Asian	1.2	0.2	0.2	3.9	2.6	5.1	0.4	3.3	3.0	2.6	6.6	18.3
Chinese	2.0	0.3	0.7	5.9	2.1	9.0	2.6	7.3	3.1	6.6	7.6	40.4
Japanese	2.9	0.6	0.2	9.6	4.0	14.2	0.7	6.3	8.4	9.5	18.3	2.0
Korean	23.1	10.6	5.8	62.3	78.7	48.8	83.6	69.5	70.1	60.6	40.4	5.9
Filipino	1.2	0.9	0.3	2.8	0.8	4.4	4.1	2.9	2.6	2.7	2.0	5.9
Palauan	1.1	0.3	0.4	3.1	0.2	5.4	0.0	0.5	1.2	5.4	5.9	3.6
Chuukese	0.4	0.0	0.1	1.3	0.1	2.4	0.0	0.0	0.5	1.6	3.6	1.2
Pohnpeian												
Educational Attainment												
Total 25 years and over	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Not a high school graduate	26.3	35.4	8.2	28.9	21.5	35.5	33.0	26.2	25.9	27.0	32.5	29.0
High school graduate	33.2	40.3	30.8	28.5	28.6	28.5	27.6	30.4	27.3	27.5	29.0	21.2
Some college	22.6	15.3	36.0	21.1	22.9	19.5	22.6	16.9	24.5	22.4	15.1	2.2
Bachelor's degree	13.8	6.8	15.8	18.6	23.1	14.5	14.8	22.5	19.4	20.1	15.1	2.2
Graduate or professional degree	4.1	2.2	9.1	2.9	3.9	2.0	2.0	4.0	2.9	3.0	2.2	100.0
Labor Force Status												
Total 16 years and over	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
In civilian labor force	67.9	63.2	69.7	72.0	74.6	69.8	70.4	73.9	68.1	72.3	73.5	69.9
Employed	64.9	59.7	66.6	69.5	72.7	66.9	69.1	72.4	66.3	69.0	69.9	3.6
Unemployed	3.0	3.5	3.0	2.4	1.9	2.9	1.3	1.6	1.9	3.3	3.6	26.5
Not in the labor force	32.1	36.8	30.3	28.0	25.4	30.2	29.6	26.1	31.9	27.7	26.5	100.0
Income in 1989												
Total 16 years and over	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Without income	19.5	23.6	10.1	22.1	14.6	28.6	10.3	18.2	25.5	22.5	30.4	69.6
With income	80.5	76.4	89.9	77.9	85.4	71.4	89.7	81.8	74.5	77.5	31.4	28.0
\$1 to \$9,999	26.3	26.3	24.5	27.7	24.3	30.6	22.7	23.0	27.8	31.7	5.8	2.8
\$10,000 to \$24,999	37.0	33.3	45.3	34.9	39.2	31.1	38.6	36.8	35.0	37.3	5.8	2.8
\$25,000 to \$34,999	8.9	9.7	8.7	8.3	11.7	5.4	14.8	11.8	6.0	5.0	1.9	1.6
\$35,000 to \$49,999	5.0	4.7	6.7	4.2	6.1	2.6	9.0	5.7	3.1	1.9	1.6	1.6
\$50,000 or more	3.2	2.4	4.7	2.9	4.2	1.7	4.6	4.4	2.6	1.7	1.6	1.6
Poverty Status												
Total	15.9	18.7	9.7	15.7	10.4	20.1	9.6	10.7	13.6	14.6	26.8	73.2
In poverty	84.1	81.3	90.3	84.3	89.6	79.9	90.4	89.3	86.4	85.4	73.2	100.0
Not in poverty												
Homeownership												
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Owner occupied	45.6	65.5	21.1	47.1	62.0	25.6	79.1	61.7	39.9	13.9	9.5	90.5
Renter occupied	54.4	34.5	78.9	52.9	38.0	74.4	20.9	38.3	60.1	86.1	90.5	100.0

Guam at least 10 years increase in age on average, from 41.8 years for those who arrived during the 1970s decade, to 55.4 years for those who arrived before 1970.

Race and Ethnicity

Guam's population is exceptionally heterogeneous - no single ethnic group or race dominates. When the native and foreign born are examined separately, however, strong ethnic divisions appear. The foreign born consists of a majority of Filipinos (62.3 percent); the native born population has a majority of Chamorro persons (82.2 percent); and the U.S. born population contains a majority White (54 percent).

Educational Attainment

Educational attainment of the foreign-born population is correlated with citizenship. Foreign born persons 25 years and over are more likely than those born on Guam to have a college degree (21.5 percent compared with 9.0 percent). Naturalized citizens are more likely to have college degrees (27 percent) than either foreign born persons who are not citizens (16.5 percent) or those born in the U.S. (24.9 percent).

Foreign born persons as a group are also more likely to have graduated from high school than the Guam born. About 28.9 percent of foreign born persons over the age of 25 do not have a high school degree, compared with 35.4 percent of persons born on Guam.

When educational attainment of the foreign born is disaggregated by year of entry, those who came to Guam during the 1970s have the highest percentage of persons with college degrees (26.5 percent), and the highest percentage with graduate or professional degrees (4.0 percent).

Labor Force Status

The foreign born population as a whole had a lower unemployment rate than either the Guam born or the U.S. born (2.4 percent for the foreign born compared with 3.5 percent of the Guam born, and 3 percent of the U.S. born). The unemployment rate of naturalized citizens was just 1.9 percent, and foreign born people who arrived before 1970 have a lower unemployment rate (1.3 percent) than more recent arrivals.

In addition to having a much lower unemployment rate than other Guam residents, the foreign born also have a much higher percentage of persons in the labor force - 72 percent, compared to 63.2 percent for the Guam born, and 69.7 percent for those born in the U.S.

Income in 1989

Foreign born persons as a group had a lower median income in 1989 than others (\$13,589, compared to \$14,057 for those born in Guam and \$14,623 for those born in the United States). The foreign born who are not U.S. citizens had the lowest median income (\$12,008). Even though foreign born people who came to Guam before 1970 are older, and include larger numbers of retirees, the median income for those entering before 1970 (\$17,583) is higher than for those who arrived later and for those born in Guam or the U.S.

Poverty Status

The foreign born as a whole had a slightly lower poverty rate than the Guam born (15.7 percent compared to 18.7 percent), and a higher poverty rate than those born in the U.S. (9.7 percent), and the most recent arrivals had the highest poverty rate (26.8 percent). Only persons who arrived prior to 1970 are less likely than the U.S. born to be in poverty (9.6 percent).

Homeownership

Homeownership is one indicator of economic well-being. While nearly two-thirds of household heads who were born on Guam owned their own home in 1990 (65.5 percent), less than one-half of household heads who were foreign born owned the home in which they lived (47.1 percent). Homeownership among

immigrants increases with length of residence. Only 9.5 percent of recent immigrants were homeowners, but the rate rises to 79.1 percent for immigrants who moved to Guam before 1970. A high homeownership rate may be a reflection of their older age structure and higher average income rather than a direct result of the length of time they have been in Guam.

Source of the Data

The U.S. Census of Population and Housing for Guam is the source of this report. Published data is used for 1940 through 1980. For 1990, the Public Use Microdata Sample (PUMS) was used by the Bureau of Planning to produce customized, non-published, data. The microdata file is a stratified sample drawn from a universe which is defined as all occupied housing units, including all occupants, vacant housing units, persons in institutions and other group quarters in Guam. The PUMS is accessible to the public via personal computer. The total population in the PUMS file is 132,340 persons compared to 133,152 persons in the published data.

In 1990, information on "Citizens or nationals" was obtained from Question 8 "Is ... a citizen or national of the United States." U.S. citizens responded in one of these four categories of citizenship: (1) born in this area (Guam), (2) born in the United States or another U.S. Territory or Commonwealth, (3) born elsewhere of U.S. parent or parents, or (4) U.S. citizen by naturalization.

Persons "Not a citizen or national" were foreign born persons who were not citizens, including persons who had begun but not completed the naturalization process at the time of the census. These included persons who resided "permanently" in the area and those who resided only "temporarily" in the area.

Limitation of the Data

Comparability between census periods is affected by changes in the definition of native born and foreign born. Most recently, persons from the Northern Mariana Islands living on Guam (2,052 persons in 1980, including 875 naturalized citizens) were moved from the foreign born category to the native born citizen category in 1990 after being granted U.S. citizenship legislatively through the Covenant of the Northern Mariana Islands.

The PUMS file is subject to sampling error, as well as non-sampling error such as survey design flaws, respondent classification and reporting errors, data processing mistakes, and under coverage. The Census Bureau has taken steps to minimize errors in the form of quality control and editing procedures to reduce errors made by respondents, coders and interviewers. A description of the calculations of standard errors can be found in the "Technical Documentation of the Public Use Microdata Samples, Guam", May 1993.



Government of Guam
Hagåtña, Guam
96932


August 3, 1998

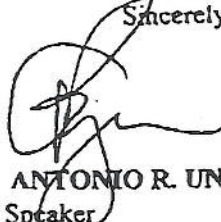
Policy Directives and Instructions Branch
Immigration and Naturalization Service
425 I Street, NW
Room 5307 Washington, DC 20536


Dear Sir/Madam:


Please find three copies of Guam's comments to the proposed INS regulations on the rights of Habitual Residents in Guam pursuant to U.S. P.L. 99-239 (INS Ref. Number 1811-96). The comments represent the response of the Executive and Legislative Branches of the Government of Guam, and the Office of the Delegate to U.S. Congress.

Sincerely,


MADELEINE Z. BORDALLO
Acting
Governor of Guam


ANTONIO R. UNPINGCO
Speaker
24th Guam Legislature


ROBERT A. UNDERWOOD
Member
U.S. House of Representatives


CARLOTTA LEON GUERRERO
Chairperson, Committee on Transportation,
Telecommunications, and Micronesian Affairs
24th Guam Legislature
President, Pacific Islands Legislatures

COMMENTS BY GUAM ON THE
PROPOSED INS REGULATIONS ON THE
RIGHTS OF HABITUAL RESIDENTS IN GUAM
PURSUANT TO U.S. P.L. 99-239
(INS REFERENCE NUMBER 1811-96)

The proposed rule, adding governing rights and limitations on "habitual residents" pursuant to the Compacts of Free Association between the United States and the Freely Associated States (FAS) of the Republic of Marshall Islands, the Federated States of Micronesia and the Republic of Palau are, in general, welcomed. Nondiscriminatory limitations on habitual residence under the terms of the agreements between the U.S. government and the FAS are important to Guam in view of the significant impact which undefined and unregulated migration from the FAS has had on Guam since the implementation of the agreements beginning in 1986.

It must be noted that Guam was not a party to the terms of the agreements between the U.S. government and the various FAS governments, agreements which include provisions for migration to the U.S. and its territories and commonwealths. Guam, however, has become host to the greatest number of FAS citizens who have migrated under these agreements. At present, the estimated number on Guam of citizens from the FAS and their dependents is 10,000. As a result, Guam has born significant educational and social costs associated with the migration of FAS citizens to Guam and their utilization of the social infrastructure of Guam.

In view of the continuing impact of FAS migration, the unfunded federal expectation of Guam's service provision and the overlay of a provision that allows for nondiscriminatory limitations on FAS migration under the Compact agreements, Guam believes four items need further delineation in the proposed rule:

- (1) that the minimum income level requirement be in accordance with the provisions of the Compact agreements;
- (2) that a registration system be implemented for ensuring compliance with the Compact agreements and the proposed rule;
- (3) that explicit mechanisms for consultation, coordination and information sharing between the appropriate instrumentalities of the government of Guam and the Service be established; and
- (4) that resources to enforce the proposed rule come from revenues collected by the Service operations in Guam, including revenues occurring as a result of existing operations and new cost-based sources related to specific requirements in effectively implementing the rule.

1. Providing that the minimum income level requirement in the rule be in accordance with the provisions of the Compact Agreement.

While the Compact agreements waive the provisions of former 8 U.S.C. §§1182(a)(14), (20), and (26), now 8 U.S.C. §§1182(a)(5)(A), (7)(A), and (7)(B), for qualified FAS citizens who desire to enter into, work and reside in the United States and its territories and commonwealths, the Compact agreements do not waive the provisions of 8 U.S.C. §1182(a)(4), which bars admission of alien entrants likely to become a public charge.

The importance which is placed on this ground of admissibility is reflected in the fact that such basis of inadmissibility is made applicable to all classes of entrant aliens across the board. The official poverty guidelines announced by the Department of Health and Human Services ("official poverty guidelines") are used as a benchmark by both the Service and State Department in making the public charge determination. However, the proposed rule would permit habitual residents to remain in U.S. territories and commonwealths without meeting the official poverty guidelines, which is seemingly inconsistent with the intent of the Compact agreements. Under the proposed rule, a principal habitual resident and all of his or her dependents, as defined by the rule would be eligible to establish habitual residence in lawful nonimmigrant status based on the principal habitual resident being employed for forty hours per week regardless of whether the income earned in such employment meets the official poverty guidelines for the appropriate family size.

In the background to the proposed rule, the Service discusses the need for provisions that would allow for seasonal employment by FAS citizens.

Presumably, it is for that reason that the proposed rule allows habitual residents to maintain nonimmigrant visa status through employment of 40 hours per week, irrespective of the official poverty guidelines.

However, seasonal workers should not be subject to the limitations on residency contained in the proposed rule, since the definition of habitual residence requires a FAS citizen to be present in a territory or commonwealth for a cumulative period of 12 months within a continuous 24-month period. The

proposed rule, by allowing habitual residency to be maintained solely on employment for 40 hours per week, is contrary to the provisions of the Compact agreements barring admission of alien entrants likely to become a public charge as well as to the intent of the Compact agreements not to cause any adverse consequences to the United States, territories and commonwealths, as set forth in the Statement of Congressional intent contained in 48 U.S.C. §1904(e)(1).

It should further be noted that even if the principal habitual resident and his or her dependents, as defined by the proposed rule, are required to meet the official poverty guidelines for the appropriate family size, the family size used for calculating the guidelines under the proposed rule excludes all dependents attending school full-time, in that FAS citizens engaged in full-time studies are not considered to be habitual residents under §461(g) of the Compact agreements and §214.7(a)(4)(i) of the proposed rule. Since, historically, the majority of principal habitual residents do have children attending school, excluding dependents attending school full-time from the determination of family size for purposes of compliance with the official poverty guidelines is, in effect, more liberal than the standard generally used for the public charge determination under 8 U.S.C. §1182(a)(4). Thus, the proposed rule, in this respect, also goes beyond the scope of the Compact agreements.

2. Implementation of a Registration System.

Guam believes that the proposed rule itself raises the need to establish a registration system for habitual residence in order to:

- (a) Ensure compliance with the requirements of habitual residence;
- (b) Apply adequate enforcement procedures that result in the application of nondiscriminatory limitations; and
- (c) Provide assurance for Guam that the benefits of the Compact agreements, which are available to habitual residents, are extended and, where extended by the government of Guam, that bona fide personal identification information serves as a baseline for Guam service providers when identifying reimbursement costs.

Guam strongly believes that in the absence of a registration system, the limitations which are to be imposed under the

information system can be established which serves as a nondiscriminatory identifier of FAS citizens in Guam who do not meet the requirements of habitual residency.

Additionally, in that the purpose of implementing the limitations on habitual residency to be contained in the rule is also, presumably, to lessen the adverse consequences to the United States, territories and commonwealths in accordance with the Statement of Congressional intent contained in 48 U.S.C. §1904(e)(1) and to further redress those adverse consequences as set forth in the Commitment of Congress contained in 48 U.S.C. §§1904(e)(4) and (5), a coordinated information system with the Service is essential in order to obtain the data necessary for such assessment.

4. The Necessary Resources to Enforce the Rule Should Come from Revenues Collected by the Service Operations in Guam.

Guam believes that resources to enforce the proposed rule should come from revenues collected by the Service operations in Guam, including revenues occurring as a result of existing operations and new cost-based sources related to effective implementation of the rule. As stated above, it is well established that the costs of the Service operations in Guam are less than half of the revenues which are attributable to inspections and other operations on the island. It is the view of Guam that funds collected by the Service should be used for such purposes as:

(a) Programs (getting APIS to FAS ports; coordination with FAS governments on addressing document-breeder issues; information system establishment, maintenance and continuing development; awareness programs; registration programs);

(b) Personnel (staffing with the appropriate complement, adding new personnel from Guam sources where possible); and

(c) Cost-based initiatives, where appropriate (e.g. registration system).



EXECUTIVE CHAMBERS
HONOLULU

BENJAMIN J. CAYETANO
GOVERNOR

February 4, 1999

Mr. Allen P. Stayman
Director, Office of Insular Affairs
U.S. Department of the Interior
Office of the Secretary
Washington, D.C. 20240

Dear Mr. Stayman:

Thank you for your letter requesting my views on the impact on the State of Hawaii of the Compacts of Free Association with the Federated States of Micronesia (FSM), the Republic of the Marshall Islands, and the Republic of Palau.

Although Hawaii welcomes all its new immigrants with aloha, we still need and are waiting for Congress to honor its commitment to redress the adverse consequences caused by the benefits and immigration rights that the Compacts granted persons from the FSM, the Marshalls, and Palau. Approximately 5000 persons have come to Hawaii using those immigration rights. Because a high percentage of Compact immigrants live at or near the poverty level, have a history of poor medical care, speak limited English, and have limited education and job skills, Hawaii has had to provide many social, educational, vocational, and medical services that have caused a financial burden for the State.

During the last year, the State's public school system experienced a 19% increase in enrollment of children whose parents are from the FSM, the Marshalls, or Palau. These students accounted for over \$7 million of our primary and secondary public school costs last year, and have accounted for over \$36 million of such costs since 1988, the first year for which we have relevant enrollment figures (Attachment A).

Our higher education costs are also substantial. Because the Compacts give immigrants from the FSM, the Marshall Islands, and Palau the status of habitual residents, Compact immigrants enrolled at the University of Hawai'i are eligible for resident tuition. During the last year alone, the University of Hawaii lost about \$1,149,850 in nonresident tuition payments that it otherwise would have received for students enrolled at the university from the FSM, the Marshall Islands, and Palau.

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Of this amount, \$349,450 was attributable to students enrolled at the Manoa and Hilo campuses, and \$800,400 was attributable to the University of Hawaii Community Colleges.

We are spending over \$8 million a year just for primary, secondary, and post-secondary education for students from the FSM, the Marshall Islands, and Palau. However worthy and integral to American foreign policy this educational assistance is, Hawaii cannot afford to bear, and should not have to bear, a burden disproportionate to the rest of the nation for Compact immigrants' education.

Last year, we spent about \$1,041,324 for Medicaid payments to medical providers for Compact immigrants and about \$1,305,432 for cash welfare payments to Compact immigrants (Attachment B). This large increase over our revised FY 1997 figures (Attachment C) is primarily attributable to our improved ability to identify and track Compact immigrants receiving state services.

Because of poor health care and education in the FSM, the Marshalls, and Palau, we face a continuing challenge to keep communicable diseases among Compact immigrants under control. Last year, we had about \$197,437 in itemized costs for tuberculosis and hepatitis control and for Hansen's Disease (leprosy) community outreach, although our actual costs were higher due to the number of Compact immigrants who receive medical treatment for communicable diseases without being identified. The Public Health Nursing Branch of the Department of Health also provided about \$68,074 in services to Compact immigrants, some of which was for communicable diseases.

Last year we spent about \$172,000 through our Job Training and Partnership Act programs to serve 86 Compact immigrants. We also spent about \$27,619 to serve about 46 Compact immigrants through our Family Development Services for Immigrants program. In addition, the Division of Vocational Rehabilitation, Services for the Blind Branch, of the Department of Human Services provided about 800 hours of vocational rehabilitation services for a blind Compact immigrant and made expenditures of about \$7,094 for his adaptive computer equipment and community college costs.

Although the impact of the Compacts on our criminal justice system is hard to quantify, it is clear that it continues to grow. Last year, about 111 Compact immigrants were arrested for approximately 501 offenses, and convicted of about 186. This represents about a 12% increase over our revised FY 1997 figures (Attachment D). We have only limited and expensive bed space in our jails and prisons.

We understand that President Clinton recently pledged to increase Guam's annual Compact impact aid from about \$4.6 million to \$10 million. The 1997 census of Micronesians showed that

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Hawaii has more Compact immigrants than Guam or the Commonwealth of the Northern Mariana Islands, but we have not received any reimbursement at all for the tens of millions of dollars of costs we have had that are attributable to the Compacts. We urge the Congress to honor its commitment to redress adverse consequences to the State of Hawaii and to reimburse us for the last thirteen years of Compact impact costs.

Thank you for transmitting these views to Congress.

With warmest personal regards,

Aloha,


BENJAMIN J. CAYETANO

Attachments

Report on Impact of FSM and RMI Immigration on the Department of Education

Year	No. of Students	Per Pupil Cost	Total Impact Cost	Percent of Increase
1988	105	\$3,580.55	\$375,957.75	
1989*	170	\$3,826.41	\$650,489.70	73.0%
1990	270	\$4,176.78	\$1,127,730.60	73.4%
1991	384	\$4,943.65	\$1,898,361.60	68.3%
1992	489	\$5,170.22	\$2,528,237.58	33.2%
1993	593	\$5,445.81	\$3,229,365.33	27.7%
1994	683	\$5,684.30	\$3,882,376.90	20.2%
1995	787	\$5,763.72	\$4,536,047.64	16.8%
1996	906	\$5,694.40	\$5,159,126.40	13.7%
1997	1053	\$5,763.72	\$6,069,197.16	17.6%
1998	1212	\$5,962.15	\$7,226,125.80	19.1%

* Estimated based on annual rate of increase.

01/20/99

Department of Human Services
Data on Recipients from Micronesia, the Marshall Islands, and Palau
State Funding Only
Annual Estimates Based on Average Monthly Figures for the Period January 1998 to October 1998

1. ESTIMATED ANNUAL RECIPIENTS

(This count would include the same recipients from month to month. The count would therefore be duplicated. Please refer to page 11 for estimated average monthly recipients.)

2. ESTIMATED ANNUAL MONEY PAYMENTS (Welfare Checks)

	<u>State Aged Blind or Disabled Program</u>	<u>State TAONF Program (formerly part of AFDC)</u>	<u>State General Assistance Program</u>	<u>TOTAL</u>
Micronesia	\$99,384	\$593,376	\$50,844	\$743,604
Marshall Islands	\$28,284	\$511,848	\$4,728	\$544,860
Palau	\$2,724	\$12,276	\$1,968	\$16,968
TOTAL	\$130,392	\$1,117,500	\$57,540	\$1,305,432

3. ESTIMATED ANNUAL MEDICAID PAYMENTS (Payments to Medical Providers)

	<u>State Aged Blind or Disabled Program</u>	<u>State TAONF Program (formerly part of AFDC)</u>	<u>State General Assistance Program</u>	<u>State Funding for Medicaid-Only Program</u>	<u>TOTAL</u>
Micronesia	\$163,824	\$321,288	\$10,992	\$111,360	\$607,464
Marshall Islands	\$47,004	\$277,068	\$1,020	\$96,024	\$421,116
Palau	\$4,476	\$6,648	\$432	\$1,188	\$12,744
TOTAL	\$215,304	\$605,004	\$12,444	\$208,572	\$1,041,324

The State's Aged, Blind, or Disabled Program is funded entirely by the State. This program was created to assist individuals and couples with little or no income who are not eligible for federally-funded Supplemental Security Income (SSI) or eligible only for partial SSI payments.

The State's TAONF (Temporary Assistance to Other Needy Families) Program is funded entirely by the State. It was created to assist other needy families, such as those with two parents and those with non-citizens, who are not eligible for the federally-funded TANF (Temporary Assistance to Needy Families) Program.

The State's General Assistance Program is funded entirely by the State. This program was created to assist individuals and couples with little or no income who have a temporary, incapacitating medical condition.

The State's Medicaid Program is a partnership between the Federal and State Governments. It is funded with approximately one-half federal and one-half state funds. Recipients under the Aged, Blind, or Disabled Program have their medical bills paid on a fee-for-service basis to their medical providers. Recipients under the other programs are enrolled in managed care medical plans where the State pays premiums to the plans. The plans then reimburse the medical providers with their payments. Recipients who receive Medicaid without a welfare check are in the Medicaid-Only Program.

Estimated Annual Recipients were obtained by multiplying the average number of monthly recipients from the previous page by 12.

Estimated Average Monthly Money Payments were obtained by multiplying the average amount of monthly money payments from the previous page by 12.

Estimated Average Monthly Medicaid Payments were obtained by multiplying the average amount of monthly medicaid payments from the previous page by 12.

Attachment B-1

Department of Human Services
Data on Recipients from Micronesia, the Marshall Islands, and Palau
State Funding Only
Average Monthly Figures for the Period January 1998 to October 1998

1. ESTIMATED AVERAGE MONTHLY RECIPIENTS

	<u>State TAONF Program</u>				<u>TOTAL</u>
	<u>State Aged, Blind, or Disabled Program</u>	<u>(formerly part of AFDC)</u>	<u>State General Assistance Program</u>	<u>Medicaid-Only Program</u>	
Micronesia	37	377	13	131	558
Marshall Islands	11	325	1	113	450
Palau	1	8	1	1	11
TOTAL	49	710	15	245	1,019

2. ESTIMATED AVERAGE MONTHLY MONEY PAYMENTS (Welfare Checks)

	<u>State TAONF Program</u>			<u>TOTAL</u>
	<u>State Aged, Blind, or Disabled Program</u>	<u>(formerly part of AFDC)</u>	<u>State General Assistance Program</u>	
Micronesia	\$8,282	\$49,448	\$4,237	\$61,967
Marshall Islands	\$2,357	\$42,654	\$394	\$45,405
Palau	\$227	\$1,023	\$164	\$1,414
TOTAL	\$10,866	\$93,125	\$4,795	\$108,786

3. ESTIMATED AVERAGE MONTHLY MEDICAID PAYMENTS (Payments to Medical Providers)

	<u>State TAONF Program</u>			<u>State Funding for Medicaid-Only</u>	<u>TOTAL</u>
	<u>State Aged, Blind, or Disabled Program</u>	<u>(formerly part of AFDC)</u>	<u>State General Assistance Program</u>	<u>Program</u>	
Micronesia	\$13,652	\$26,774	\$916	\$9,280	\$50,622
Marshall Islands	\$3,917	\$23,089	\$85	\$8,002	\$35,093
Palau	\$373	\$554	\$36	\$99	\$1,062
TOTAL	\$17,942	\$50,417	\$1,037	\$17,381	\$86,777

The State's Aged, Blind, or Disabled Program is funded entirely by the State. This program was created to assist individuals and couples with little or no income who are not eligible for federally-funded Supplemental Security Income (SSI) or eligible only for partial SSI payments.

The State's TAONF (Temporary Assistance to Other Needy Families) Program is funded entirely by the State. It was created to assist other needy families, such as those with two parents and those with non-citizens, who are not eligible for the federally-funded TANF (Temporary Assistance to Needy Families) Program.

The State's General Assistance Program is funded entirely by the State. This program was created to assist individuals and couples with little or no income who have a temporary, incapacitating medical condition.

The State's Medicaid Program is a partnership between the Federal and State Governments. It is funded with approximately one-half federal and one-half state funds. Recipients under the Aged, Blind, or Disabled Program have their medical bills paid on a fee-for-service basis to their medical providers. Recipients under the other programs are enrolled in managed care medical plans where the State pays premiums to the plans. The plans then reimburse the medical providers with their payments. Recipients who receive Medicaid without a welfare check are in the Medicaid-Only Program.

Estimated Average Monthly Recipients were based on the average number of monthly recipients for the indicated period.

Estimated Average Monthly Money Payments were based on the average amount of monthly money payments for the indicated period.

Estimated Average Monthly Medicaid Payments were based on the average amount of monthly Medicaid payments for the indicated period.

Revised 12/29/98

Department of Human Services
Data on Recipients from Micronesia, the Marshall Islands, and Palau
State Funding Only
Average Monthly Figures for the Period July 1997 to November 1997

1. ESTIMATED AVERAGE MONTHLY RECIPIENTS*

	<u>State Aged, Blind, or Disabled Program</u>	<u>State TAONF Program (formerly part of AFDC)</u>	<u>State General Assistance Program</u>	<u>Medicaid-Only Program</u>	<u>TOTAL</u>
Micronesia	24	221	7	73	324
Marshall Islands	2	221	0	59	282
Palau	1	2	1	2	6
TOTAL	27	444	8	134	612

2. ESTIMATED AVERAGE MONTHLY MONEY PAYMENTS (Welfare Checks)**

	<u>State Aged, Blind, or Disabled Program</u>	<u>State TAONF Program (formerly part of AFDC)</u>	<u>State General Assistance Program</u>	<u>TOTAL</u>
Micronesia	\$5,406	\$30,992	\$2,157	\$38,555
Marshall Islands	\$458	\$30,966	\$0	\$31,423
Palau	\$229	\$307	\$196	\$532
TOTAL	\$6,093	\$62,265	\$2,353	\$70,710

3. ESTIMATED AVERAGE MONTHLY MEDICAID PAYMENTS (Payments to Medical Providers)***

	<u>State Aged, Blind, or Disabled Program</u>	<u>State TAONF Program (formerly part of AFDC)</u>	<u>State General Assistance Program</u>	<u>State Funding for Medicaid-Only Program</u>	<u>TOTAL</u>
Micronesia	\$5,074	\$15,705	\$469	\$5,183	\$26,431
Marshall Islands	\$430	\$15,677	\$0	\$4,203	\$20,310
Palau	\$215	\$156	\$43	\$170	\$584
TOTAL	\$5,719	\$31,538	\$512	\$9,556	\$47,325

The State's Aged, Blind, or Disabled Program is funded entirely by the State. This program was created to assist individuals and couples with little or no income who are not eligible for federally-funded Supplemental Security Income (SSI) or eligible only for partial SSI payments.

The State's TAONF (Temporary Assistance to Other Needy Families) Program is funded entirely by the State. It was created to assist other needy families, such as those with two parents and those with non-citizens, who are not eligible for the federally-funded TANF (Temporary Assistance to Needy Families) Program.

The State's General Assistance Program is funded entirely by the State. This program was created to assist individuals and couples with little or no income who have a temporary, incapacitating medical condition.

The State's Medicaid Program is a partnership between the Federal and State Governments. It is funded with approximately one-half federal and one-half state funds. Recipients under the Aged, Blind, or Disabled Program have their medical bills paid on a fee-for-service basis to their medical providers. Recipients under the other programs are enrolled in managed care medical plans where the State pays premiums to the plans. The plans then reimburse the medical providers with their payments. Recipients who receive Medicaid without a welfare check are in the Medicaid-Only Program.

*Note: Estimated Average Monthly Recipients were based on the average number of monthly recipients from the period July 1997 to November 1997.

**Note: Estimated Average Monthly Money Payments were based on the average amount of monthly money payments from the period July 1997 to November 1997.

***Note: Estimated Average Monthly Medicaid Payments were based on the average amount of monthly Medicaid payments from the period July 1997 to November 1997.

ARREST AND CONVICTION COUNTS FOR OFFENDERS BORN IN

MARSHALL ISLANDS

BY FY	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
OFFENDERS CONVICTED	2	10	9	8	7	5	10	17	10	35	43	46	35	45	29	37	35	54	53
OFFENSES ARRESTS	6	41	18	18	16	22	38	60	72	177	204	281	190	229	149	177	152	200	242
CONVICTIONS	2	16	10	10	10	10	22	43	23	71	82	90	48	68	50	67	47	77	87

PALAU

BY FY	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
OFFENDERS CONVICTED	1	1	1	3	0	0	1	1	2	2	1	1	5	2	1	3	2	1	0
OFFENSES ARRESTS	4	7	6	7	1	0	2	1	18	10	5	9	13	5	11	5	5	4	7
CONVICTIONS	2	5	5	6	0	0	1	1	8	7	1	2	5	3	2	3	3	2	0

FEDERATED STATES OF MICRONESIA

BY FY	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
OFFENDERS CONVICTED	8	8	14	21	18	13	14	18	18	23	62	56	45	40	51	57	41	44	58
OFFENSES ARRESTS	15	34	32	56	37	35	41	62	91	103	268	232	187	188	192	207	160	217	252
CONVICTIONS	10	20	18	26	25	18	23	43	53	55	108	81	71	65	70	74	67	77	99

TOTALS FOR ALL COUNTRIES

BY FY	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
OFFENDERS CONVICTED	11	19	24	32	25	18	25	36	30	60	106	103	85	87	81	97	78	99	111
OFFENSES ARRESTS	25	82	56	81	54	57	81	123	181	290	477	522	390	422	352	389	317	421	501
CONVICTIONS	14	41	33	42	35	28	46	87	84	133	191	173	124	136	122	144	117	156	186