

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2016 (SECOND) REGULAR SESSION

Resolution No. 433 -33 (COR)

Introduced by:

Rory J. Respicio

Relative to urging Congresswoman Madeleine Z. Bordallo to take all measures necessary to have the Immigration and Customs Division of the Department of Homeland Security take a more active role in enforcing and implementing the deportation of foreign habitual criminals.

2016 AUG 11 AM 1:20



1 **BE IT ENACTED BY THE COMMITTEE ON RULES OF *I MINA' TRENTAI***  
2 ***TRES NA LIHESLATURAN GUÅHAN:***

3 **WHEREAS**, the existing Compacts of Free Association (COFA) provide for the  
4 admission of non-immigrant aliens for education and employment purposes; and

5 **WHEREAS**, these same Compacts of Free Association provide for the deportation of  
6 non-immigrant aliens admitted in accordance with the Compacts who are not abiding by the  
7 laws of Guam and the laws of the United States; and

8 **WHEREAS**, federal statutes governing the Compacts of Free Association further  
9 established the legal basis for the deportation of non-immigrant aliens admitted for education  
10 and employment purposes and who have been convicted of deportable criminal offenses; and

11 **WHEREAS**, the Department of Homeland Security and its Immigration and Customs  
12 Enforcement (ICE) division has consistently neglected to adequately enforce the provisions of  
13 the Compacts of Free Association and has not taken a proactive stance to effectuate the removal  
14 and deportation of all foreign criminals convicted on Guam, who engage in criminal activity and  
15 therefore are in violation of the Compacts of Free Association and other treaties as well as the  
16 laws of Guam and the laws of the United States; and

17 **WHEREAS**, Public Law 32-49, "AN ACT TO ADD A NEW §80.50 TO ARTICLE 2  
18 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A  
19 'THREE STRIKES' PROVISION FOR HABITUAL OFFENDERS OF SERIOUS CRIMES"  
20 authored by Senator Brant McCreadie was signed into law on July 5, 2013, included in this law

1 is a provision authored by Senator Rory J. Respicio which mandates that requires “[U]pon  
2 conviction of a deportable crime, the Attorney General of Guam (AG) shall immediately notify  
3 the U.S. Immigration and Customs Enforcement (ICE) Division of the U.S. Department of  
4 Homeland Security (DHS) of Guam’s desire to have the COFA citizen deported, requiring that  
5 the AG work closely with the U.S. ICE Division of DHS to ensure all documents related to the  
6 conviction and required for deportation are immediately provided to the proper authorities;" and

7 **WHEREAS**, under the terms of the Compacts of Free Association, citizens of  
8 the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of  
9 Belau who have entered Guam via the Compact are subject to deportation if convicted of a  
10 felony or a crime of moral turpitude. They also are subject to deportation if they are sentenced to  
11 one year or more for any crime committed, or if they are repeat offenders for Driving Under the  
12 Influence of Alcohol statutes; now, therefore be it

13 **RESOLVED**, that *I Mina Trentai Tres Na Lihelaturan* Guahan finds that such a policy to  
14 deport all foreign criminals, regardless of their country of origin pursuant to the treaties which  
15 allowed them entry into Guam would be in keeping with the spirit of such treaties and; and be it  
16 further

17 **RESOLVED**, that *I Mina Trentai Tres Na Lihelaturan Guahan* urges Guam’s Delegate  
18 to Congress, the Honorable Madeleine Z. Bordallo, to take all measures necessary to have the  
19 Department of Homeland Security take a more pro-active approach to deporting all foreign  
20 criminals convicted of deportable crimes; and be it further

21 **RESOLVED**, that the Speaker certify and the Legislative Secretary attest to the  
22 adoption hereof, and that copies of the same be sent to the Honorable Loretta Lynch, Attorney  
23 General of the United States; Jeh Johnson, Secretary of Homeland Security; and the Honorable  
24 Alicia Limtiaco, United States Attorney for Guam and Northern Marianas; the Honorable  
25 Madeleine Z. Bordallo, Guam’s Delegate to the US Congress; and the Honorable Eddie Baza  
26 Calvo, *I Maga’lahen Guahan*.

DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF *I*  
*MINA TRENTAI TRES NA LIHESLATURAN GUÁHAN* ON THE \_\_\_\_ DAY OF AUGUST, 2016.

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**JUDITH T. WON PAT, Ed.D**  
Speaker

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**RORY J. RESPICIO**  
Chairperson, Committee on Rules

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**TINA ROSE MUÑA BARNES**  
Legislative Secretary