

## **Dekada Aspirations Equal CNMI's Long-Term Best Interest**

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Based on the 2000 census, the CNMI had a population of 69,221. In the 2001 general election, 12,761 citizens turned out at the polls and selected new gubernatorial and legislative leadership. Those 12,761 citizens represented 81 percent of registered voters but only about 28 percent of the voting age population, approximately two-thirds of which is non-citizens. Because of this, some refer to the non-US citizen population in the CNMI as the "Minoritarian Majority."

The matter of large numbers persons living and working for years without political rights has not escaped notice by observers and critics of the CNMI, or, indeed, not least of all by the workers themselves. The CNMI is the only place under the US flag where a majority of the adult population lacks political rights.

Democratic political theorists justify the exclusion of some adults, particularly aliens, from the right to vote on two bases. First, that there is an avenue to citizenship open to long-term alien residents who are prepared to make that commitment to the host country, and second, on the basis of the theory of "virtual representation."

The theory of virtual representation holds that nonvoters (and, to a lesser extent, even nonsupporters of the victors) are nonetheless effectively represented by the officials elected (who seek to responsibly exercise their offices). The theory of virtual representation breaks down entirely, however, where such a large proportion of the adult population is excluded from the electoral franchise as is the case in the CNMI.

Further, the single most serious defect in the present system of CNMI control of immigration probably is the lack of any possibility, for most workers, of attaining US citizenship, regardless of how long the individual has lived here or how thoroughly he or she is integrated into the community.

From these roots a true "movement" arose among the thousands of non-US citizen workers who have lived and worked in the CNMI for many, many years (some for 30 years or more) who, disenfranchised and subject to a labor and immigration regime that fails to recognize their contributions and place in the community, have a legitimate and growing aspiration to an improved civil, legal, and immigration status in this commonwealth. Out of this fact came the organization's formal name as a non-profit corporation: The DEKADA Movement, Inc.

Today, the DEKADA movement is backed by more than 3,000 Filipinos, Bangladeshis, Nepalese, Chinese, Koreans, and others who have been lawfully living and working in the CNMI for 5 years or more. They are individuals who have become part of the

community, forming and raising families here, whose “born in the CNMI” children have never known any other home, and who daily are lending their backs and hands, minds, skills, talents, experience, and energies to the social, religious, cultural, and economic life of the Northern Mariana Islands and forming pillars that help support the CNMI economy and keep it alive, strong, and vibrant.

### **Dekada Opposes Federalization of Immigration and Minimum Wage**

Although Dekada seeks improved labor and immigration status for long-term alien residents of the CNMI, it is against any generalized Federal takeover of immigration and minimum wage law. Dekada recognizes that general federal laws in these areas applicable to the fifty states are not well-suited to the unique needs and economic situation of the CNMI.

Laws and policies made 10,000 miles away in Washington, DC simply cannot be adequately tailored to be sensitive to local needs and circumstances. Policies need to be developed and decisions made by locally elected representatives unencumbered by the complexities and preconceptions inherent with a mammoth bureaucracy overseeing the advanced metropolitan economy of a major nation laden with far-reaching national security and foreign policy burdens.

### **Dekada Is Pro Resident Worker**

Some see improved immigration status for Dekada members as a threat to local workers, but this simply is not true. As long-term residents and contributing members of the community, Dekada members have worked side by side with local workers and often shared skills.

Dekada members will not disappear if they are not granted improved labor and immigration status, and if they did it would be an economic and social loss to the community.

Dekada agrees there are not enough local workers in the private sector. Dekada agrees there are too few meaningful private sector opportunities for young people graduating from high school or NMC or returning from higher education abroad.

The problem is the CNMI (through its political and business leadership) continues to rely on a “dual economy” with a private sector dependent on inexpensive foreign labor and a high wage / attractive benefits public sector in which the majority of the indigenous workforce is employed.

Over 40 percent of the working age indigenous population is not even looking for work, according to government statistics. Perhaps this is because private sector employment simply is not economically attractive. The alternatives: public assistance, subsistence lifestyle, or just waiting for that good government job to come along – are perceived as actually better than participation in the productive base of the economy.

The dual economy is rife with distortions and discrimination such as these. But most critically, such an economy is simply not sustainable, as the continuing economic deterioration in the CNMI demonstrates.

The CNMI badly needs to realign and unify its economy to reduce reliance on government and bolster real economic opportunities for resident workers. The single most important step in achieving this is increasing the minimum wage. Done properly, a minimum wage increase will be a major contributor to economic revitalization and boost government revenues.

Meaningful jobs in the productive economy at decent wages for resident workers is a Dekada goal. Dekada members know the private sector is the foundation of economic prosperity for the CNMI. All of us, resident and nonresident workers alike, rise and fall with the CNMI's economic fortunes. Dekada members look forward to working shoulder to shoulder with ever more resident workers in building the CNMI's future.

### **Dekada Supports the Garment Industry**

Dekada recognizes that the garment industry is a major contributor to the CNMI economy. Dekada therefore supports initiatives to keep the industry competitive and active in the CNMI, so far as those initiatives do not conflict with other community values and needs. In particular, Dekada strongly supports the effort to have the U.S. Congress reduce the local content requirement for the CNMI textile industry.

### **Dekada Is Community Oriented**

Like ethnic service organizations such as MOVER (a Filipino organization), Dekada and its members are active in community projects such as beach and roadside clean ups. Most recently, Dekada helped with clean up for the planned children's park in Kagman sponsored by the Historic Preservation Office. Dekada will also help with the actual construction. This is a particularly gratifying project because of the historical significance of the site, which includes latte stones.

### **Late Registrations Now Accepted**

Although the DEKADA Movement, Inc. formally closed registration early this year, the Dekada Board of Directors has recognized that in some instances individuals failed to register for a good reason and it would be unjust or unreasonable to bar them from participation and the benefits of membership. Accordingly, the Board of Directors is now considering late registrations on a case by case basis, and persons showing good cause will be permitted to register.

### **“Green Cards” A Good Solution**

US immigration law already applies to a limited extent in the CNMI. Specifically, immediate relatives of US citizens residing in the CNMI can apply for US lawful permanent resident status (commonly known as “green cards”), and green card holders have valid immigration status in the CNMI.

In 2001, the US Senate passed S. 507. One of the provisions of this bill would have granted a special “green card” to qualified alien workers who had been in the CNMI at least five years. The special “green card” under S.507 would only have been valid in the CNMI. It would not have provided any immigration privileges for Guam or the mainland US. Although the bill did not become law, it reflects one approach to resolving Dekada’s legitimate concerns.

An even better answer would be a regular grant of lawful admission to permanent residency in the United States. Such a regular green card would entitle the holder to live and work anywhere in the US, just as NMI-descent US citizens can.

It also would provide a path to US citizenship for any qualified individuals so inclined, thus helping address the serious human rights question of political disenfranchisement. In times of economic downturn, holders of regular green cards might chose to seek opportunities elsewhere in the US. Only the US Congress can enact legislation that would make long-term alien residents of the CNMI eligible for admission to lawful US permanent residency. Regular green cards therefore are a goal worthy of support both by Dekada members and the rest of the CNMI community.

### **Legislative Solution Favored**

Local legislators also have the power to address Dekada’s concerns through changes to CNMI labor and immigration statutes, even if not as ideally as the US Congress can. Some have looked at the success the “stateless children” had in the courts and suggested that Dekada ought to litigate the matter. Despite technical differences, the situation faced by the individuals who have registered with Dekada does in fact raise legal issues every bit as serious and substantial as those involved in the stateless case. At this time, however, Dekada believes it is better to focus on legislative solutions rather than judicial ones.

But this does not mean that Dekada is forswearing court action. To the contrary, Dekada’s leadership recognizes that alien workers of long residency, with deep and strong ties to the community, can sometimes fall out of status for a number of reasons and end up with immigration problems. In such situations, CNMI immigration law has a number of shortcomings when compared with the more comprehensive Federal scheme.

Central among these shortcomings is the absence in the CNMI system of any provision for withholding of deportation based on family considerations, as well as the absence of any path to permanent residency or citizenship. Dekada believes these features of the Federal system are actually essential to fundamental fairness, equal protection of the law, and due process. For this reason, the Dekada Board of Directors has determined to

support, in appropriate cases, court action on behalf of Dekada members with immigration cases raising these issues.

### **Open Door, Open Society Essential to Economic Success**

In the early days of the Commonwealth, xenophobic, exclusionary policies carried over from colonial mentality and the old Trust Territory days held sway. Economic activity was low, growth gradual. In 1983, the Foreign Investor's Business Permit Act was repealed, and the Commonwealth adopted an "Open Door" policy toward foreign investment. Large numbers of foreign workers began to be admitted to the islands, and the economy boomed.

Inclusivity and openness are keys to peace and prosperity. Closed minds, closed hearts, closed policies – all translate into stagnation and decline. Clenched hands cannot receive that which is offered. Dekada's members are here to stay. They are part of the community. Fundamental human rights prescribe an improved civil, legal, and immigration status for long-term alien residents. It is time to modernize the CNMI's labor and immigration policies to recognize these facts. Dekada has much to offer. All the rest need only open their arms and their hands to receive it.