

MAR 09 2018

SENATE CONCURRENT RESOLUTION

URGING THE UNITED STATES CONGRESS TO REFORM AND AMEND THE
IMMIGRATION AND NATIONALITY ACT OF 1965 AND OTHER RELEVANT
FEDERAL IMMIGRATION LAWS TO CLASSIFY CLIMATE-RELATED
MIGRANTS AS REFUGEES IN ORDER TO RECEIVE GREATER LEGAL
STATUS AND PROTECTION.

1 WHEREAS, migration has been a consistent part of human
2 history; and
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4 WHEREAS, more recently, the world has experienced an
5 unprecedented level of human mobility that surpassed 244,000,000
6 people in 2015; and
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8 WHEREAS, the global scientific community has ascertained
9 that unless massive economic, political, and social changes are
10 made immediately, a two-degree Celsius temperature rise is
11 highly likely; and
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13 WHEREAS, rising sea levels, natural weather events, and
14 mass desertification are three of the multiple ecological
15 factors projected to dislocate unprecedented masses of people
16 globally; and
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18 WHEREAS, the United Nations' *Transforming Our World: The*
19 *2030 Agenda for Sustainable Development* (Agenda) recognizes the
20 positive contribution made by migrants to the global fabric
21 through their social, cultural, and economic contributions to
22 individual nations; and
23

24 WHEREAS, the Agenda affirms that the benefits and
25 opportunities of safe, orderly, and regular migration are
26 substantial and often underestimated, while conversely, forced
27 displacement and irregular migration in large movements often
28 present complex socioeconomic challenges and contribute to
29 unneeded human suffering; and
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1 WHEREAS, a large movement is generally defined as an
2 unexpected movement of people that deviates from the usual and
3 anticipated migratory patterns, and is understood to reflect a
4 number of considerations, such as:

- 5
6 (1) The number of people in the movement arriving;
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8 (2) The socioeconomic and geographical context of the
9 movement;
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11 (3) The capacity of the receiving community to respond to
12 the movement; and
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14 (4) The impact of a sudden or prolonged movement; and
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16 WHEREAS, however, a large movement does not cover regular
17 or predictable flows of migrants from one country to another;
18 and
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20 WHEREAS, refugees and migrants in large movements often
21 take great risks, embark on dangerous journeys in pursuit of a
22 better life, or escape persecution, famine, land loss, or other
23 socioeconomic suffering; and
24

25 WHEREAS, refugees are often exposed to extreme hardship,
26 persecution, discrimination, and violence, and are worthy of
27 humanitarian assistance; and
28

29 WHEREAS, although nations have varying capacities and
30 resources to respond to large movement migrations, all nations
31 and their communities have an obligation to engage in
32 comprehensive policy support, assistance, and protection that
33 are in accordance with international law; and
34

35 WHEREAS, while nations may manage their own borders, all
36 nations are obligated to reaffirm and protect the human rights
37 of all refugees and migrants, regardless of their status, and
38 provide a response that demonstrates full respect for
39 international law and human rights law; and
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41 WHEREAS, all individuals fleeing from climate-related
42 impacts who crossed or seek to cross international borders are



1 entitled to due process in the assessment of their legal status
2 based on human right principles, such as protection from
3 persecution, equity, and freedom from discrimination; and
4

5 WHEREAS, nations, including the United States of America,
6 must take steps to address the root causes that lead to the
7 large movement of refugees and migrants, such as mitigating the
8 escalation of climate change, as much as possible; and
9

10 WHEREAS, it is the responsibility of developed nations,
11 including the United States, which has a history of
12 industrialization and pollution that has contributed to a global
13 environmental crisis, to increase efforts aimed at early
14 prevention of climate crisis situations, such as desertification
15 and sea-level rise for nations composed, in whole or in part, of
16 small islands; and
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18 WHEREAS, Hawaii has an extensive and positive immigrant
19 heritage that has contributed to the State's inclusionary
20 culture and socioeconomic vitality; and
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22 WHEREAS, Hawaii, as the only island state in the United
23 States, has a unique understanding of the challenges facing
24 small island nations in the Pacific, such as sea-level rise,
25 deterioration of precious watersheds, and protection of native
26 flora and fauna; now, therefore,
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28 BE IT RESOLVED by the Senate of the Twenty-ninth
29 Legislature of the State of Hawaii, Regular Session of 2018, the
30 House of Representatives concurring, that the United States
31 Congress is urged to reform and amend the Immigration and
32 Nationality Act of 1965 and other relevant federal immigration
33 laws to classify climate-related migrants as refugees in order
34 to receive greater legal status and protection; and
35

36 BE IT FURTHER RESOLVED that the United States Department of
37 Justice is urged to recognize the specific needs and special
38 circumstances of applicants from developing nations, especially
39 those from nations that are vulnerable to climate change, when
40 determining whether a migration may constitute a special
41 humanitarian concern; and
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1 BE IT FURTHER RESOLVED that the United States Congress is
2 urged to amend section 101(a)(42)(B) of the Immigration and
3 Nationality Act of 1965, as amended, to:

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5 (1) Exempt climate-related migrants who are displaced due
6 to sea-level rise, desertification, or natural
7 disasters exacerbated by climate change from the
8 requirement that the individual be persecuted on
9 account of race, religion, nationality, group
10 membership, or political opinion in order to qualify
11 as refugees; and
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13 (2) Explicitly allow climate-related migrants who have a
14 substantiated hardship, such as displacement due to
15 sea-level rise, desertification, or natural disasters
16 exacerbated by climate change, to qualify as refugees;
17 and
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19 BE IT FURTHER RESOLVED that the United States Congress is
20 urged to amend, as necessary, other relevant federal immigration
21 laws, including but not limited to the Immigration and
22 Nationality Act of 1965, Immigration Reform and Control Act of
23 1986, Refugee Act of 1980, and Migration and Refugee Assistance
24 Act of 1962, to classify climate-related migrants as refugees in
25 order to receive greater legal status and protection; and
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27 BE IT FURTHER RESOLVED that certified copies of this
28 Concurrent Resolution be transmitted to the President of the
29 United States, United States Attorney General, United States
30 Senate Majority Leader, Speaker of the United States House of
31 Representatives, Chairperson of the Subcommittee on Immigration
32 and Border Security of the United States Senate Committee on the
33 Judiciary, Chairperson of the Subcommittee on Immigration and
34 Border Security of the United States House of Representatives
35 Judiciary Committee, Director of the Executive Office for
36 Immigration Review, Director of the United States Citizenship
37



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1 and Immigration Services, and Associate Director of the Refugee,
2 Asylum and International Operations of the United States
3 Citizenship and Immigration Services.
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OFFERED BY:

Karl Rhoads

Becky
DC Tech Ag
Heckman

