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# SENATE CONCURRENT RESOLUTION

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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



1  
2 WHEREAS, a large movement is generally defined as an  
3 unexpected movement of people that deviates from the usual and  
4 anticipated migratory patterns, and is understood to reflect a  
5 number of considerations, such as:

- 6  
7 (1) The number of people in the movement arriving;  
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9 (2) The socioeconomic and geographical context of the  
10 movement;  
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12 (3) The capacity of the receiving community to respond to  
13 the movement; and  
14  
15 (4) The impact of a sudden or prolonged movement; and  
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17 WHEREAS, however, a large movement does not cover regular  
18 or predictable flows of migrants from one country to another;  
19 and  
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21 WHEREAS, refugees and migrants in large movements often  
22 take great risks, embark on dangerous journeys in pursuit of a  
23 better life, or escape persecution, famine, land loss, or other  
24 socioeconomic suffering; and  
25

26 WHEREAS, refugees are often exposed to extreme hardship,  
27 persecution, discrimination, and violence, and are worthy of  
28 humanitarian assistance; and  
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30 WHEREAS, although nations have varying capacities and  
31 resources to respond to large movement migrations, all nations  
32 and their communities have an obligation to engage in  
33 comprehensive policy support, assistance, and protection that  
34 are in accordance with international law; and  
35

36 WHEREAS, while nations may manage their own borders, all  
37 nations are obligated to reaffirm and protect the human rights  
38 of all refugees and migrants, regardless of their status, and  
39 provide a response that demonstrates full respect for  
40 international law and human rights law; and  
41



1 WHEREAS, all individuals fleeing from climate-related  
2 impacts who crossed or seek to cross international borders are  
3 entitled to due process in the assessment of their legal status  
4 based on human rights principles, such as protection from  
5 persecution, equity, and freedom from discrimination; and  
6

7 WHEREAS, nations, including the United States of America,  
8 must take steps to address the root causes that lead to the  
9 large movement of refugees and migrants, such as mitigating the  
10 escalation of climate change, as much as possible; and  
11

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



1 climate change, when determining whether a migration may  
2 constitute a special humanitarian concern; and  
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4 BE IT FURTHER RESOLVED that the United States Congress is  
5 urged to amend section 101(a)(42)(B) of the Immigration and  
6 Nationality Act of 1965, as amended, to:  
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- 8 (1) Exempt climate-related migrants who are displaced due  
9 to sea-level rise, desertification, or natural  
10 disasters exacerbated by climate change from the  
11 requirement that the individual be persecuted on  
12 account of race, religion, nationality, group  
13 membership, or political opinion in order to qualify  
14 as refugees; and  
15
- 16 (2) Explicitly allow climate-related migrants who have a  
17 substantiated hardship, such as displacement due to  
18 sea-level rise, desertification, or natural disasters  
19 exacerbated by climate change, to qualify as refugees;  
20 and  
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22 BE IT FURTHER RESOLVED that the United States Congress is  
23 urged to amend, as necessary, other relevant federal immigration  
24 laws, including but not limited to the Immigration and  
25 Nationality Act of 1965, Immigration Reform and Control Act of  
26 1986, Refugee Act of 1980, and Migration and Refugee Assistance  
27 Act of 1962, to classify climate-related migrants as refugees in  
28 order to receive greater legal status and protection; and  
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30 BE IT FURTHER RESOLVED that certified copies of this  
31 Concurrent Resolution be transmitted to the President of the  
32 United States, United States Attorney General, United States  
33 Senate Majority Leader, Speaker of the United States House of  
34 Representatives, Chairperson of the Subcommittee on Immigration  
35 and Border Security of the United States Senate Committee on the  
36 Judiciary, Chairperson of the Subcommittee on Immigration and  
37 Border Security of the United States House of Representatives  
38 Judiciary Committee, Director of the Executive Office for  
39 Immigration Review, Director of the United States Citizenship  
40 and Immigration Services, and Associate Director of the Refugee,  
41 Asylum and International Operations of the United States  
42 Citizenship and Immigration Services.

