

MAR 09 2018

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## SENATE 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  
3

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  
7

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  
17

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  
30

31 WHEREAS, a large movement is generally defined as an  
32 unexpected movement of people that deviates from the usual and



1 anticipated migratory patterns, and is understood to reflect a  
2 number of considerations, such as:

- 3  
4 (1) The number of people in the movement arriving;  
5  
6 (2) The socioeconomic and geographical context of the  
7 movement;  
8  
9 (3) The capacity of the receiving community to respond to  
10 the movement; and  
11  
12 (4) The impact of a sudden or prolonged movement; and  
13

14 WHEREAS, however, a large movement does not cover regular  
15 or predictable flows of migrants from one country to another;  
16 and  
17

18 WHEREAS, refugees and migrants in large movements often  
19 take great risks, embark on dangerous journeys in pursuit of a  
20 better life, or escape persecution, famine, land loss, or other  
21 socioeconomic suffering; and  
22

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

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

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

39 WHEREAS, all individuals fleeing from climate-related  
40 impacts who crossed or seek to cross international borders are  
41 entitled to due process in the assessment of their legal status



1 based on human right principles, such as protection from  
2 persecution, equity, and freedom from discrimination; and  
3

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

9 WHEREAS, it is the responsibility of developed nations,  
10 including the United States, which has a history of  
11 industrialization and pollution that has contributed to a global  
12 environmental crisis, to increase efforts aimed at early  
13 prevention of climate crisis situations, such as desertification  
14 and sea-level rise for nations composed, in whole or in part, of  
15 small islands; and  
16

17 WHEREAS, Hawaii has an extensive and positive immigrant  
18 heritage that has contributed to the State's inclusionary  
19 culture and socioeconomic vitality; and  
20

21 WHEREAS, Hawaii, as the only island state in the United  
22 States, has a unique understanding of the challenges facing  
23 small island nations in the Pacific, such as sea-level rise,  
24 deterioration of precious watersheds, and protection of native  
25 flora and fauna; now, therefore,  
26

27 BE IT RESOLVED by the Senate of the Twenty-ninth  
28 Legislature of the State of Hawaii, Regular Session of 2018,  
29 that the United States Congress is urged to reform and amend the  
30 Immigration and Nationality Act of 1965 and other relevant  
31 federal immigration laws to classify climate-related migrants as  
32 refugees in order to receive greater legal status and  
33 protection; and  
34

35 BE IT FURTHER RESOLVED that the United States Department of  
36 Justice is urged to recognize the specific needs and special  
37 circumstances of applicants from developing nations, especially  
38 those from nations that are vulnerable to climate change, when  
39 determining whether a migration may constitute a special  
40 humanitarian concern; and  
41



## S.R. NO. 77

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:

4  
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  
12

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  
18

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  
26

27 BE IT FURTHER RESOLVED that certified copies of this  
28 Resolution be transmitted to the President of the United States,  
29 United States Attorney General, United States Senate Majority  
30 Leader, Speaker of the United States House of Representatives,  
31 Chairperson of the Subcommittee on Immigration and Border  
32 Security of the United States Senate Committee on the Judiciary,  
33 Chairperson of the Subcommittee on Immigration and Border  
34 Security of the United States House of Representatives Judiciary  
35 Committee, Director of the Executive Office for Immigration  
36 Review, Director of the United States Citizenship  
37



S.R. NO. 77

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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