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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

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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

12  
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  
13  
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  
40

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 rights 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  
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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,  
27

28 BE IT RESOLVED by the Senate of the Twenty-ninth  
29 Legislature of the State of Hawaii, Regular Session of 2018,  
30 that the United States Congress is urged to reform and amend the  
31 Immigration and Nationality Act of 1965 and other relevant  
32 federal immigration laws to classify climate-related migrants as  
33 refugees in order to receive greater legal status and  
34 protection; and  
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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 island nations in the Pacific that are vulnerable to  
40 climate change, when determining whether a migration may  
41 constitute a special 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:

- 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  
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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 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 and  
37 Immigration Services, and Associate Director of the Refugee,  
38 Asylum and International Operations of the United States  
39 Citizenship and Immigration Services.

