HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2018
STATE OF HAWAII

H.R. NO. 202

HOUSE 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.

WHEREAS, migration has been a consistent part of human history; and

WHEREAS, more recently, the world has experienced an unprecedented level of human mobility that surpassed 244,000,000 people in 2015; and

WHEREAS, the global scientific community has ascertained that unless massive economic, political, and social changes are made immediately, a two-degree Celsius temperature rise is highly likely; and

WHEREAS, rising sea levels, natural weather events, and mass desertification are three of the multiple ecological factors projected to dislocate unprecedented masses of people globally; and

WHEREAS, the United Nations' Transforming Our World: The 2030 Agenda for Sustainable Development (Agenda) recognizes the positive contribution made by migrants to the global fabric through their social, cultural, and economic contributions to individual nations; and

WHEREAS, the Agenda affirms that the benefits and opportunities of safe, orderly, and regular migration are substantial and often underestimated, while conversely, forced displacement and irregular migration in large movements often present complex socioeconomic challenges and contribute to unneeded human suffering; and

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

(1) The number of people in the movement arriving;

(2) The socioeconomic and geographical context of the movement;

(3) The capacity of the receiving community to respond to the movement; and

(4) The impact of a sudden or prolonged movement; and

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

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

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

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

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

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

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

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

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

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

BE IT RESOLVED by the House of Representatives of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2018, that the United States Congress is urged 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; and

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

(1) Exempt climate-related migrants who are displaced due to sea-level rise, desertification, or natural disasters exacerbated by climate change from the requirement that the individual be persecuted on account of race, religion, nationality, group membership, or political opinion in order to qualify as refugees; and

(2) Explicitly allow climate-related migrants who have a substantiated hardship, such as displacement due to sea-level rise, desertification, or natural disasters exacerbated by climate change, to qualify as refugees; and

BE IT FURTHER RESOLVED that the United States Congress is urged to amend, as necessary, other relevant federal immigration laws, including but not limited to the Immigration and Nationality Act of 1965, Immigration Reform and Control Act of 1986, Refugee Act of 1980, and Migration and Refugee Assistance Act of 1962, to classify climate-related migrants as refugees in order to receive greater legal status and protection; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President of the United States, United States Attorney General, United States Senate Majority Leader, Speaker of the United States House of Representatives, Chairperson of the Subcommittee on Immigration and Border Security of the United States Senate Committee on the Judiciary, Chairperson of the Subcommittee on Immigration and Border Security of the United States House of Representatives Judiciary Committee, Director of the Executive Office for Immigration Review, Director of the United States Citizenship...
and Immigration Services, and Associate Director of the Refugee, Asylum and International Operations of the United States Citizenship and Immigration Services.

OFFERED BY: __________________________

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